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BIENNIAL REPORT

UTAH COURTS

UTAH JUDICIAL COUNCIL
ADMINISTRATIVE OFFICE OF THE COURTS
230 SOUTH 500 EAST, SUITE 300
SALT LAKE CITY, UTAH 84102

HON. GORDON R. HALL
CHIEF JUSTICE AND
CHAIRMAN, UTAH JUDICIAL COUNCIL

WILLIAM C. VICKREY
STATE COURT ADMINISTRATOR

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ACKNOWLEDGEMENTS

Through the Administrative Office of the Courts, the Utah Judicial Council is publishing this 1985-87 Biennial Report pursuant to 78-3-21(3b) of the Utah Code Annotated.

Appreciation is expressed to the following members of the Administrative Office Staff for their efforts in compiling and writing portions of this report: William Vickrey, Ron Gibson, Melinda Monahan, John McNamara, Mike Phillips, Timothy Shea, Larry Webster, and Louise York.

Acknowledgement is also due to the following judges for their special assistance: Hon. Peggy Acomb, Hon. Arthur G. Christean, Hon. K. Roger Bean, Hon. Regnal W. Garff, Jr., Hon. Ray M. Harding, and Hon. I. Daniel Stewart.

Finally, it is recognized that without the contribution of the many individuals working in the trial courts who faithfully record and report statistical data, this report would not be possible.

Rosemary Gacnik
Editor

STATE OF UTAH
ADMINISTRATIVE OFFICE OF THE COURTS
230 SOUTH 500 EAST, SUITE 300
SALT LAKE CITY, UTAH 84102
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GORDON R. HALL
CHIEF JUSTICE
CHAIRMAN, JUDICIAL COUNCIL
WILLIAM C. VICKREY
STATE COURT ADMINISTRATOR

RONALD W. GIBSON
DEPUTY COURT ADMINISTRATOR
JOHN F. McNAMARA
JUVENILE COURT
ADMINISTRATOR

Citizens of the State of Utah

The Honorable Norman H. Bangerter
Governor, State of Utah

The Honorable Members of the
47th Utah Legislature

On behalf of the Utah Judicial Council, it is our pleasure to present to you the Biennial Report of the Utah Judiciary. This report represents the activities of the Judicial Branch from July of 1985 through June of 1987, and focuses on some of the major issues and challenges facing the Utah court system in the near future.

The passage of House Bill 100 in the 1986 Legislature paved the way for sweeping changes in the structure and operation of Utah's court system. A new Court of Appeals has been established and is now disposing of cases; the Utah court system filled a tremendous number of judicial vacancies in the past year; and changes have been made in the Judicial Council, with the judiciary now taking greater responsibility for managing its own internal operations. The result has been a more united and effective court system.

For the first time, a statistical report has been prepared for the court system which is being published under separate cover. It is hoped that this biennial report will present a clear and concise picture of judicial activities, problems, issues, needs, and priorities. We felt it appropriate to expand the amount of statistical information provided, but didn't want the importance of our message to be lost in a mass of data.

Growing population and workload, coupled with increased expenses and diminishing resources to expend on individual cases, has resulted in the need for the courts to economize and try to increase the productivity of our organization. The Judicial Council is attempting to find new ways to organize and operate to improve the efficiency, effectiveness, and accountability of the judicial branch. These improvements in the quality of justice are only possible with the continued commitment of all three branches of government.

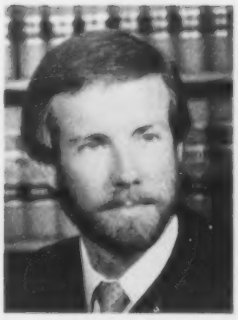
Sincerely,

Gordon R. Hall
Chief Justice

William C. Vickrey
State Court Administrator

UTAH JUDICIAL COUNCIL

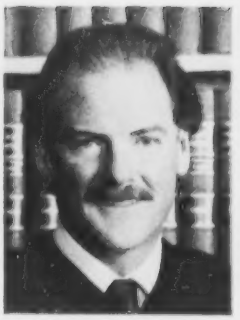
Hon. Gordon R. Hall
Chief Justice and Chairman



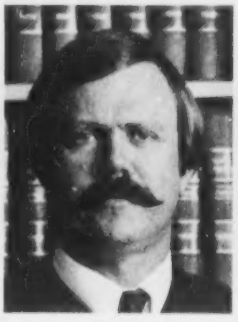
Hon. Michael D. Zimmerman
Utah Supreme Court

Hon. Gregory K. Orme
Court of Appeals

Hon. Cullen Y. Christensen
4th District Court



Hon. J. Dennis Frederick
3rd District Court



Hon. Timothy R. Hanson
3rd District Court

Hon. Sharon P. McCully
2nd District Juvenile Court

Hon. Paul C. Keller
5th District Juvenile Court

Hon. Stanton Taylor
3rd Circuit Court

Hon. Paul G. Grant
5th Circuit Court

Hon. Joseph L. Jones, Jr.
Justice of the Peace

Hon. John Yardley
Justice of the Peace

Norman S. Johnson, Esq.
Utah State Bar Representative

William C. Vickrey
State Court Administrator

JUDICIAL COUNCIL

The Judicial Council was created in 1973 to unify the policies and procedures of the trial courts of the state and to better provide for the needs of each court. The revised Judicial Article of the State Constitution, effective July 1, 1985, made the Council a constitutional body with the responsibility to adopt uniform rules for the administration of all the courts in the state, effectively permitting the judicial branch of government to govern its own affairs. The Council, in essence, became the "senate" of the judiciary.

In addition to the management of judicial policy, the Council also has the responsibility to set standards for judicial performance, court facilities, support services, and judicial and non-judicial staff levels.

The revised Judicial Article also reorganized the membership of the Judicial Council. It consists of fourteen members who serve staggered three-year terms. The Chief Justice of the Supreme Court chairs the Council as chief administrative officer of the judicial branch. The other members include: a Supreme Court justice; a judge of the Court of Appeals; three District Court judges; two Circuit Court judges; two Juvenile Court judges; two Justices of the Peace; a State Bar Representative who is a non-voting member; and the State Court Administrator, who serves as secretariat to the Council.

The Judicial Council holds monthly meetings at the Administrative Office of the Courts in Salt Lake City. All the meetings are open meetings and may be attended by interested parties. They provide an opportunity for other branches of government, federal agencies, and citizens groups to present issues and concerns directly to the judiciary.

The Judicial Council meets monthly at the Administrative Office of the Courts.

In order to fulfill its broad constitutional responsibilities of administering the judiciary, the Judicial Council has implemented several organizational changes by establishing three subcommittees to coordinate its activities. They are:

Liaison Committee. This five-member committee is responsible for coordinating external relations with the executive and legislative branches, the bar, and the public at large, as well as improving communication in the courts. This committee meets weekly during the legislative session to respond to issues as they develop. The members are Justice Michael D. Zimmerman, Judges J. Dennis Frederick, Joseph Jones, Jr., and Stanton Taylor, and Bar Representative Norman S. Johnson.

Management Committee. This four-member committee acts as the executive committee for the Council. It meets once a month to set the Council agenda and to act on behalf of the Council in any management area where time restrictions preclude the full Council acting. The members are Chief Justice Gordon R. Hall, and Judges Timothy Hanson, Sharon McCully, and Gregory Orme.

Policy Planning Committee. This four-member committee coordinates the long term planning and rule promulgation processes. The members are Judges Cullen Christensen, Paul Grant, Paul Keller, and John Yardley.

In addition to these committees, there are Boards of Judges, Standing Committees, Ad Hoc Committees, and an administrative staff to assist the Judicial Council in meeting its objectives.

Boards of Judges

By rule of the Judicial Council, a Board of Judges has been established for each level of court. Each board is comprised of judges elected by the judges of the court

served. Terms of office and leadership positions are determined by the individual level of court. There is a board for the appellate courts, the District Court, the Juvenile Court, the Circuit Court, and the Justice of the Peace Courts. A Board of Senior Judges also exists and is comprised of twenty-four members.

The purpose of the boards is to adopt administrative rules in accordance with the standards and guidelines of the Judicial Council; to propose rules of procedure and evidence to the Supreme Court advisory committees; to coordinate the adoption of local supplemental rules; to advise the Council; to supervise the implementation of Council policies; to serve as a liaison between local judges and the Council; and to develop statewide budget and legislative priorities.

Standing Committees

The number and structure of the standing committees of the Judicial Council has been altered. Listed below are the five committees which assist the courts in their management and policy development responsibilities.

State Judicial Information System Committee

This committee directs the development of data processing systems, sets policy for equipment and software acquisition, allocates data processing resources between levels of court, and plans future directions for automation in the judicial branch.

Automation has had a tremendous impact on business and government in the past two decades. Courts nationwide have been slow to take advantage of this new technology, partially because of cost, and partially because of the complexity of the legal environment which makes automation difficult. Computerization of the Utah courts began many years ago, but there was not a central plan for coordinating these efforts. In 1986, the Judicial Council published the Judicial Data Processing Master Plan, a document which outlines goals and strategies for the judiciary through 1996. It includes case management, financial management, legal research, and office automation for all levels of courts.

Hon. Timothy Hanson, Chair
Hon. Russell Bench
Hon. Michael Zimmerman
Hon. Raymond Uno
Hon. Don V. Tibbs
Hon. Michael Hutchings
Hon. John Backlund
Hon. Arthur G. Christean

Uniform Bail Schedule Committee

The Uniform Bail Schedule Committee seeks to ensure consistent assessment of bail in traffic and misdemeanor cases handled in the Circuit Court and Justice of the Peace Court.

Hon. Stanton Taylor, Chair
Hon. Patrick McGuire
Hon. Joanne Rigby
Hon. Joseph Jackson
Hon. Philip Palmer
Hon. Deverl Payne
Hon. W. Brent West
Hon. Jetta Davie

Judicial Performance Evaluation Oversight Committee

Utah's judiciary is in the process of ensuring that the judges of the state continue to serve at the highest level possible. The Standing Oversight Committee on Judicial Performance Evaluation is developing a judicial performance evaluation program which will assist the Judicial Council in developing educational programs, in making certification decisions for judges standing for retention election, and in providing subjective and objective information on performance to be used by individual judges for self-improvement.

Darwin Hansen, Chair
Hon. Judith M. Billings
Hon. Arthur G. Christean
Hon. Peggy Acomb
Kathleen Lubeck
Herta Teitelbaum
Hon. Christine Durham
Hon. Ray Harding
Hon. Mark Johnson
Gordon J. Low
Lyle Campbell

Citizen's Advisory Committee

The Citizen's Advisory Committee has been a vehicle for gaining input from individuals outside of the judiciary in matters which affect the management of the court system.

Aileen Clyde, Chair
Stewart M. Hanson, Jr.
Alan Moll
Fay Gillette
Lucille Hansen
Elliott Landau
Royden Braithwaite
Bruhneild Hanni
Judy Magid
Harriet Marcus
Wendall McGarry
Richard Aaron
Father Charles Cummins

Ethics Advisory Committee

This committee advises the Council and individual judges on the application and interpretation of the Code of Judicial Conduct.

Hon. Joseph Jackson, Chair
Hon. Sheila McCleve
F. J. Penrod
Hon. David Roth
Hon. Russell Bench
Leslie Francis

Ad Hoc Committees

A number of ad hoc committees were formed for specific projects in the course of time covered by this report. What follows is a list of some of these groups and their primary focus.

Utah Task Force on Gender and Justice

This task force is still in the process of evaluating the nature, scope, and significance of gender bias in the Utah court system.

Child Support Task Force

Greater uniformity in child support decisions is the goal of this task force, which works under the direction of the Board of District Court Judges.

Assessing the Need for Judicial Resources

Standards for requesting judgeships were a part of the agenda of the Judicial Council in FY 1987. The Assessing the Need for Judicial Resources Committee developed these standards for each level of court, and guidelines to govern their use. This is another step in improving the management of judicial branch resources.

Justice of the Peace Task Force

This task force, created by the Commission on Criminal and Juvenile Justice, is evaluating the jurisdiction and organization of the Justice of the Peace Court in Utah.

Common Court Boundaries Committee

This committee evaluated ways to realign and standardize the boundaries of district, juvenile, and circuit courts to eliminate confusion and improve service of the judiciary to the citizens of the state.

Alternative Dispute Resolution

The goal of this committee is to study alternative forums and processes for resolving disputes, alternatives which would be less costly and faster, thus preserving judicial resources for only those cases which warrant the expertise of a judge.

Warrants Task Force

Under the direction of the Commission on Criminal and Juvenile Justice, this task force attempted to define the problems associated with the service of warrants in the State of Utah, and to identify solutions which would improve the effectiveness of the justice system.

Judicial Compensation

The level of judicial salaries in the State has been a critical issue for many years. The Citizen's Committee on Judicial Compensation has worked to resolve a number of problems, not only with the level of salaries, but with the process for making adjustments and incentives for quality performance.

Commission on the Administration of Justice in the District Court

This Commission studied individual calendaring in the Third District Court; Rule 4.1 and its use in the district and circuit courts; state funding; court clerk services; administration; bailiffs and security; judicial information systems; and capital facilities and equipment.

State Courts Capital Facilities Task Force

This task force supervised the development of a capital facilities master plan for the state courts covering the next ten years and established standards for future facilities. Five major construction projects were completed during this reporting period. A juvenile facility was completed in Vernal, new Circuit Court buildings were completed in Orem and Murray, and combined district, juvenile and circuit complexes were constructed in Price and Logan. These new facilities allow the courts to operate at a higher capacity and with increased efficiency.

Records and Forms

Records and forms committees were created in various levels of courts to review, streamline, and improve records management.

Weighted Caseload

The weighted caseload committee conducted a research project which determined clerical need based on caseload. Decisions can now be made to allocate new positions based upon greatest need.

Judge's Retirement Committee

This committee studies issues at the direction of the legislature related to policies impacting the ability of the state to attract and retain judges.

Code of Judicial Conduct

Under the direction of an ad hoc committee of the Judicial Council, recommendations for the revision of

the Code of Judicial Conduct were made and subsequently approved by the Supreme Court.

PROJECTS/ACTIVITIES

There were a number of projects and activities undertaken during the past two years. What follows is a summary of some of the most significant ones.

New Court of Appeals. In order to cope with a tremendous increase in appeals to the Supreme Court and to improve the effectiveness of the appellate process, the 1986 legislature created a Court of Appeals for the State of Utah. This new court became operational in early 1987, and is beginning to reduce the length of time required to resolve these important cases. Seven judges sit in rotating panels of three to render decisions.

New Juvenile Court District. The 1986 Legislature, in special session, created a sixth juvenile court district and authorized the hiring of a judge and staff to support the new court. Sanpete County was moved from the third district to the new fourth district, along with Sevier, Piute, Millard, and Wayne counties from the old fourth district. The sixth district now includes Beaver, Iron, Washington, Garfield, and Kane counties.

Judicial Education. One of the most significant accomplishments of the court in FY 1986 was the enhancement of the judicial education program. A judicial education officer was hired to coordinate this activity; and increased emphasis has been placed on internal training programs. Proper training is a critical ingredient in providing a quality judiciary.

Judicial Salaries. Though little progress has been made, much effort has gone into improving the level of compensation provided to the judges of the state. Utah is rapidly moving toward the bottom of the pay scale nationally, and is second to last in our region. Not only do attorneys in private practice earn higher salaries, but even lawyers working for cities and counties receive a higher level of compensation than Supreme Court justices in some situations. Judges are beginning to leave the bench and the quality of applicants for vacancies is declining. The citizens of the state expect and deserve a quality judiciary, but if inadequacies in compensation are not addressed, they may not always have it.

Budget. For the first time, a consolidated budget request for the judicial branch of government was presented to the Legislature. The Supreme Court, Juvenile Court, and trial courts have submitted separate requests in the past. Financial management of the courts is also being consolidated to streamline procedures and reduce costs.

Judicial Nominating Commissions. The Judicial Council sets procedure for the nominating commissions, as defined by statute. A handbook has been developed, and staff support is provided by the Administrative Office of the Courts.

Whenever a judicial vacancy occurs, the Governor is charged with appointing a replacement from a list of three candidates supplied by the appropriate judicial nominating commission. The appointment is subject to confirmation by the Utah Senate. Once appointed and confirmed, judges must stand for retention election at the first general election more than three years after their appointment. Thereafter, their term of office is six years, with the exception of Supreme Court justices, whose term is ten years. Twenty-six nominating commissions currently exist, one for the Supreme Court and Court of Appeals, one for each of the seven district courts, one for each of the six juvenile district courts, and one for each of the twelve circuit courts.

The Chief Justice of the Supreme Court is chair of the appellate nominating commission. The Chief Justice or another justice designated by the Chief Justice serves as chair of each of the other commissions. The Governor appoints four commissioners, no more than two of whom can be from the same political party. The State Bar appoints the other two members, who cannot be from the same party. Each of these commissioners, with the exception of the chair, serves a term of four years and must reside in the geographical area represented by the circuit or district. The State Court Administrator serves as secretariat to each of the nominating commissions.

ISSUES

Judicial Compensation. As has been the case with other agencies of state government, the economic problems of recent years have had a tremendous impact on the resources available to the court. A rapidly growing population, and a much more rapid growth in

the age groups which have the most contact with the courts, have increased the workload of the judicial branch. The courts have devoted a considerable amount of effort to making its operations more efficient and increasing the productivity of its employees. In spite of these efforts, the declining incentives for public service are beginning to manifest themselves in higher turnover, lower quality applicants for positions, and diminished effectiveness. If the high quality of justice administered in Utah in the past is to be maintained, actions must be taken to reverse the trend of continuing to expect more for less.

The most critical factor in dispensing quality justice is the judge. Utah is favored with a judiciary which is able and energetic. To a certain degree, the motivation to serve compensates for financial reward, but as Utah moves closer and closer to the bottom of the comparative judicial pay scale for the region and the nation, it cannot expect to continue to attract these types of men and women. For the Supreme Court, Utah ranks 47th in the nation; for the Court of Appeals, 37th of 37 states which have this court; and for the District Court, 46th in the nation. Of the eleven western states, Utah ranks 10th for the Supreme Court and District Court, and 8th of the eight states with courts of appeal. Within the state of Utah, salaries for public sector attorneys in major cities and counties may exceed salaries of Supreme Court justices by more than $13,000 per year.

Perhaps more significant than the level of salary is the process of obtaining increases. A significant pay hike for Utah's judges is only a short term solution. What is most needed is to reform the process to show that the state is committed to making the bench a fulfilling career for the brightest and best of our attorneys.

Funding of District Court. Another issue critical to the judicial branch is the organization and funding of the District Court. A fragmented and subservient judiciary is unable to fill its constitutional role in state government. Administrative authority is scattered over 29 counties which provide varying levels of service. The independence of the judiciary is threatened by the need to rely heavily upon executive branch staff and resources. Uniform rules and procedures are difficult to put into place, ensuring that equal justice throughout the state cannot be guaranteed. The District Court is far less efficient and accountable than it would be if the state assumed full financial responsibility for its operation.

Growth. With time, the courts should be expected to increase productivity. Advances in technology, economies of scale associated with specialization, changes in laws and procedures, and improved operational techniques make it possible for judges and staff to handle an ever-increasing workload. Even though capacity increases with time, it does not do so without limitation. Caseloads are increasing at a faster rate than can be absorbed by existing staff without sacrificing effectiveness. If projected caseload increases occur, the judiciary will have a constant need for additional personnel for the next 25 years. It should be noted that the growth in court caseload is reasonably constant and roughly proportional to the growth in population of the state. The "litigation explosion" in Utah, as well as through most of the country, appears to be a myth.

Court Facilities. Facilities are expensive. They represent multi-million dollar investments. Not only must they be constructed, but they must be maintained and eventually replaced. The state recognizes this ever-present need, and dedicates a portion of its appropriations to this purpose. The courts are no different than other agencies of government; they face growing workloads and diminishing resources. Because of the austere economic times which currently exist, demand for available resources is high. Delay in construction does not save resources; it only delays expenditures and increases costs. The court has developed a list of its most urgent needs and has requested that they be addressed. It is clear that acquisition of new facilities and renovation of existing ones will remain an important issue for years to come.

ADMINISTRATIVE OFFICE OF THE COURTS

The Court Administrator Act, passed in 1973 and revised in 1986, provides for the appointment of a State Court Administrator, an individual with professional ability and experience in the field of public administration and an understanding of court procedures and other court services. Utah's State Court Administrator is William C. Vickrey. His powers, duties, and responsibilities as the state administrator are outlined in 78-3-24, Utah Code, as follows:

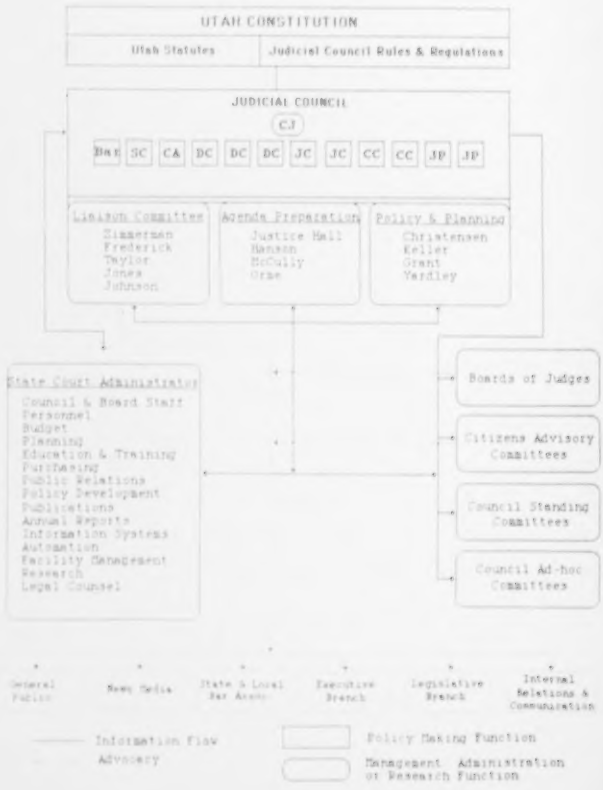
"Under the general supervision of the presiding officer of the Judicial Council and within the policies established by the Council, the administrator has the powers and responsibilities to:

(a) organize and administer all of the nonjudicial activities of the courts;
(b) assign, supervise, and direct the work of the nonjudicial officers of the courts;
(c) implement the standards, policies, and rules established by the Council;
(d) formulate and administer a system of personnel administration, including in-service training programs;
(e) prepare and administer the state judicial budget, fiscal, accounting, and procurement activities for the operation of the courts of record, and assist the justice courts in their budgetary, fiscal, and accounting procedures;
(f) conduct studies of the business of the courts, including the preparation of recommendations and reports relating to them;
(g) develop uniform procedures for the management of court business, including the management of court calendars;
(h) maintain liaison with the governmental and other public and private groups having an interest in the administration of the courts;
(i) establish uniform policy concerning vacations and sick leave for judges and nonjudicial officers of the courts;
(j) establish uniform hours for court sessions throughout the state and may, with the consent of the presiding officer of the Judicial Council, call and appoint justices or judges of courts of record to serve temporarily as court of appeals, district court, juvenile court, or circuit court judges and fix reasonable compensation for their services;
(k) schedule trials or court sessions and designate a judge to preside at these trials or court sessions;
(l) change the county for trial of any case if no party to the litigation files timely objections to this change;

(m) assign judges within courts and throughout the state, and reassign cases to judges;
(n) organize and administer a program of continuing judicial education including a program of annual training for justices of the peace as provided by section 78-5-27; and
(o) perform other duties as assigned to him by the presiding officer of the Council."

The Administrative Office of the Courts, under the direction of the Judicial Council, is currently consolidating the rules, orders, and resolutions of the various courts into a document to be known as the Code of Judicial Administration. This code is a significant step in implementing the revised Judicial Article to the Utah Constitution, which directs the Judicial Council to assume greater responsibility for the internal operation of the courts.

The State Court Administrator, William C. Vickrey, is assisted by district, circuit, and juvenile court administrators, trial court executives, and personnel who work in the Administrative Office in the following areas: Personnel Management, Public Information, Finance, Data Processing, Judicial Education, Security, Facilities, and General Counsel. The Administrative Office serves as staff to the Judicial Council, rules committees, boards of judges, standing and ad hoc committees, and nominating commissions.



APPELLATE COURTS

Supreme Court
State of Utah
332 State Capitol
Salt Lake City, Utah 84114

Geoffrey J. Butler
Clerk

Gordon R. Hall
Chief Justice
J. Daniel Stewart
Associate Chief Justice
Richard C. Howe
Justice
Christine M. Durham
Justice
Michael D. Zimmerman
Justice

June 27, 1987

Honorable Gordon R. Hall, Chief Justice
Utah Judicial Council
332 State Capitol Building
Salt Lake City, Utah 84114

Dear Chief Justice Hall:

During the past year, the Supreme Court has been actively involved in pursuing a number of objectives that are important in the administration of justice and the improvement of the judicial system, in addition to its function of deciding cases appealed to it. The Court has assisted in bringing the Court of Appeals into operation in February of 1987 by the promulgation of rules governing appellate procedures before that Court and the establishment of a set of internal operating rules and guidelines. This Court has also worked toward reducing its own backlog by making internal procedures more efficient; has dealt with new standards governing the ethical conduct of attorneys; and has undertaken steps to insure that rules of practice, procedure, and evidence in all courts are brought up to date and new rules are promulgated in those instances where the existing rules have gaps or are not abreast of the latest legal developments.

The problem of appellate court backlog remains of paramount concern, although both this Court and the Court of Appeals have taken significant steps in reducing that backlog. The impact of the Court of Appeals on this Court's backlog has been dramatic. As of December 31, 1986, this Court had 1,029 cases pending. By June 30, 1987, an additional 228 cases had been filed with this Court, but as of that date the total of 1,257 cases had been reduced by 672 cases, leaving a backlog as of that date of 585 cases, and since then additional cases have been transferred. The number of backlogged cases is still significant, but the backlog in this Court of presubmission cases has been reduced by more than one-half. Although the reduction was achieved largely by the transfer to the Court of Appeals of 373 cases, that does not just result in reducing one backlog by increasing another backlog. With seven hard-working judges on the Court of Appeals and a decision-making process designed largely for error correction as opposed to development of the law, that Court is disposing of cases with considerable speed.

In addition to transferring cases to the Court of Appeals, this Court has sought to utilize other means in attacking the backlog. For example, this Court has accelerated its disposition of cases by disposing of appropriate cases after oral argument without a written opinion, when that can be done without creating a risk of error. In addition, we have also initiated the practice of using three-justice panels in Law and Motion matters instead of the full court so as to enable the justices to spend more time writing opinions. The Court is also working hard to reduce the number of cases that have been argued and are currently under advisement. These cases are largely cases involving substantial issues of importance that have accumulated while the Court was focusing on reducing the backlog of presubmission cases.

In addition to looking after its own case load, the Court has substantial responsibilities in other areas which are constitutionally mandated by the amendment to Article VIII of the Utah Constitution. The Court's responsibilities include the promulgation of rules of practice, procedure, and evidence. Accordingly, the Court has established advisory committees on Rules of Evidence, Rules of Civil Procedure, Rules of Criminal Procedure, Rules of Appellate Procedure, and Rules for Juvenile Court Procedure. The newly formed committees were established in June of 1987, and they are currently hard at work addressing a number of areas where amendments and additions to the current rules must be made to ensure that the public interest is properly promoted in the adjudication of cases.

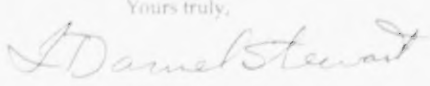
The members of the five above-mentioned advisory committees have been selected by the Court from the faculties of the two law schools located in this state, from practitioners representing various segments of the Bar and various geographical locations, and from various trial and appellate court judges. The members of these committees devote significant amounts of time and expertise for the benefit of legal reform and improvement without any pay or other compensation from the state. However, the coordination of the committees, work and the ultimate approval of their proposals imposes upon the Court significant responsibilities above and beyond its responsibilities in dealing with the cases which must be decided. Of particular importance to the operation of the Court of Appeals was the drafting, by the prior Supreme Court Advisory Committee on Rules of Civil Procedure, of the Rules of the Utah Court of Appeals and amendments to the Supreme Court rules that were necessity by the establishment of the Court of Appeals. These rules were promulgated by this Court in time for the Court of Appeals to commence its operation in the early part of 1987.

In addition, the Supreme Court has held hearings and, after considerable deliberation, promulgated a new Code of Professional Responsibility, which is designed to raise the ethical standards of the members of the Utah Bar to provide better legal services to the public and to facilitate the discipline of attorneys who violate the code. The code has been promulgated and will become effective January 1, 1988.

The establishment of the Court of Appeals and its commencement of operations was, indeed, a long-awaited event for this Court. That Court and this Court have worked well with each other in reducing the accumulated backlog and coordinating efforts in addressing common problems in the appellate process. As mentioned above, the transfer of cases to the Court of Appeals from this Court has resulted in a significant reduction in this Court's backlog, and with additional time this Court will be able to reduce its backlog to a point that will enable it to dispose of cases within accepted standards of time for the highest appellate court of a state. Finally, it should also be noted that notwithstanding the additional responsibility that the Court has assumed with respect to the organization and implementation of the advisory committees of the various rules of practice and procedure and the important functions that the Court has with respect to the Bar, all of which increased during the fiscal year 1986-87, the number of cases disposed of on a monthly basis for the first six months of 1987 has been in the same range as for cases disposed of on a monthly basis during the year 1986 and was similar to the monthly rate for 1985.

At the present time, it is the assessment of the members of this Court that there has never been a more dynamic time for the judiciary of the State of Utah. With substantial help from the Legislature and the Bar, and with the implementation under the Constitution of a redesigned Judicial Council, the organization of the Court of Appeals, and other innovations and improvements, the entire judiciary has taken a number of giant steps forward.

Yours truly,



I. Daniel Stewart
Associate Chief Justice

Regnal W. Garff
Presiding Judge
Richard C. Davidson
Associate Presiding Judge
Russell W. Bench
Judge
Judith M. Billings
Judge
Pamela T. Greenwood
Judge
Norman H. Jackson
Judge
Gregory K. Orme
Judge

Utah Court of Appeals

400 Midtown Plaza
230 South 500 East
Salt Lake City, Utah 84102
801 533-6300

Timothy M. Shea
Clerk of the Court

June 29, 1987

Honorable Gordon R. Hall
Presiding Officer
Utah Judicial Council
332 State Capitol
Salt Lake City, UT 84114

Dear Chief Justice Hall:

Since the implementation of House Bill 100, we have witnessed the judicial branch of government in Utah substantially strengthened and the capability of the courts to handle their own affairs enhanced. It has been gratifying to see the Judicial Council assert itself in implementing the various organizational strategies for all court levels. We commend you, the State Court Administrator's Office, and the Judicial Council for the initiative taken in strengthening the entire judicial system.

Although the Court of Appeals is a mere infant in judicial genealogy, it has already made a substantial contribution to the judiciary and to the citizens of the state. In organizing itself, the court assumed the following mission: (1) to resolve disputes within its jurisdiction expeditiously and in a manner that would inspire public confidence and avoid burdensome costs to the parties; (2) to review lower court decisions for correctness, to hold trial courts and administrative agencies accountable, and to reinforce the dignity and authority of trial courts and the rule of law; and (3) to promote uniformity and clarity legal decisions.

In an effort to accomplish this mission, the court established standards and goals to enable us to deal not only with the influx of new filings, but also with the substantial backlog of cases inherited when we opened our doors. Initially, the Supreme Court transferred to us 373 cases. New filings and transfers have averaged 47.7 per month.

To handle these cases expeditiously, we developed multiple calendar tracks with procedures appropriate to the complexity and priority of the individual cases. We are also enforcing more rigorously procedural requirements and time deadlines in order to winnow out those cases not seriously pursued by the parties. Critical to this effort has been the work of our two central staff attorneys who work diligently to screen cases and handle those matters that do not require oral argument. We perceive that with one additional central staff attorney, our productivity level could be considerably enhanced.

The Constitution of the
United States of America
1787-1987

To assist in achieving our goals, we have established a deadline of ninety (90) days from oral argument in which to issue an opinion. We have other time lines controlling the time judges have to take action on opinions and complete dissenting or concurring opinions. We have made a great effort to prevent the accumulation of cases under advisement.

The result of our efforts has been a steady increase in the number of dispositions by the court from just 20 cases in March, our first month of full operations, to a high of 64 cases in July. The overall average rate of dispositions is 50 cases per month. We anticipate that this level can be maintained or increased, particularly as we have now implemented procedures to utilize Rule 31 to dispose of cases without written opinion. The first panel to hear Rule 31 cases will be in October, and a calendar has already been set for this panel in November and December. We anticipate this will continue to be a special functioning panel.

The judges and staff are increasingly more familiar and more comfortable with their respective roles as we mature in our task, which should contribute to increased efficiency. You can appreciate that it has been a substantial challenge to establish a completely new court organization with a task of such great moment. However, this court is gratified with the progress that has been made and the spirit of collegiality that exists.

We have also adopted a goal of maintaining visibility throughout the State of Utah. In line with that, we have established a procedure whereby panels of the court will hold oral arguments in four quadrants of the state each year. We deem it extremely important to maintain contact with citizens and the local Bar.

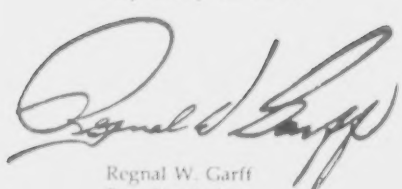
Representatives of the court are active participants on various committees, such as the Supreme Court Advisory Committee on the Rules of Appellate Procedure, the committee studying judicial qualifications and evaluations, child support task force, and various other Judicial Council and Bar Committees. The court has an active relationship with the College of Law at the University of Utah, and other community organizations, which are concerned with law related education and the bicentennial constitutional celebration.

An ongoing concern is with small claims appeals. We consider the present appellate process extremely inappropriate for this type of litigant, most of whom are pro se and do not really understand the appellate process, in spite of our extreme efforts to simplify the proceedings for their benefit. We desire to work diligently with other concerned members of the judicial community and the Bar to resolve this problem in a satisfactory manner.

Finally, the working relationship between the Court of Appeals and the Utah Supreme Court has been extremely positive, and we have benefited greatly from our joint meetings. We have been able to develop common operating procedures to simplify the appellate process and make it consistent for the benefit of those using the appellate courts. The advice and experience of the Supreme Court has been invaluable, and this court appreciates greatly the willingness on the part of the justices of that court and their staff to share and assist us in facilitating our operation.

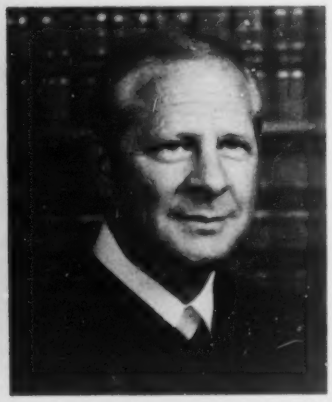
It is our intention to continue exploring ways of increasing our efficiency toward the overall goal of enunciating, in a uniform and coherent way, the law and its application, to do it in an expeditious, efficient and understandable manner, and in a way that evidences a humane, feeling concern for the parties.

Respectfully submitted,



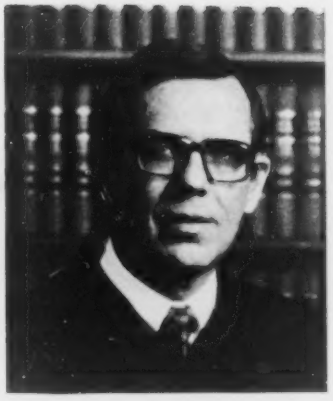
Regnal W. Garff
Presiding Judge
Utah Court of Appeals

UTAH SUPREME COURT



SUPREME COURT
GORDON R. HALL
Chief Justice

Address (Court): Utah Supreme Court
332 State Capitol
Salt Lake City, Utah 84114
Telephone (Court): 533-5780
Education: LL.B., University of Utah, 1951
B.S., University of Utah, 1949
Judicial Appointment: Third District Court, July 1969
Supreme Court Justice, January 1977
Chief Justice, Supreme Court, July 1981
Retention Election: November, 1986



SUPREME COURT
I. DANIEL STEWART
Associate Chief Justice

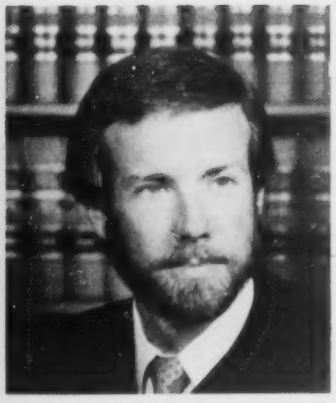
Address (Court): Utah Supreme Court
332 State Capitol
Salt Lake City, UT 84114
Telephone (Court): 533-6285
Education: J.D., University of Utah, 1962
B.A., University of Utah, 1959
Judicial Appointment: Supreme Court Justice, January 1979
Retention Election: November, 1988

SUPREME COURT
CHRISTINE M. DURHAM

Address (Court): Utah Supreme Court
332 State Capitol
Salt Lake City, Utah 84114
Telephone (Court): 533-6248
Education: J.D., University of Utah, 1977
B.S., Utah State University, 1973
Judicial Appointment: District Court, 1978
Supreme Court Justice, February 1985
Retention Election: November, 1990

SUPREME COURT
RICHARD C. HOWE

Address (Court): Utah Supreme Court
332 State Capitol
Salt Lake City, Utah 84114
Telephone (Court): 533-6284
Education: B.S., University of Utah, 1945
J.D., University of Utah, 1948
Judicial Appointment: Supreme Court Justice, December 1980
Murray City Court, 1953
Retention Election: November, 1992



SUPREME COURT
MICHAEL D. ZIMMERMAN

Address (Court): Utah Supreme Court
332 State Capitol
Salt Lake City, Utah 84114
Telephone (Court): 533-6378
Education: J.D., Boston College, 1977
B.S., University of Utah, 1974
Judicial Appointment: Supreme Court Justice, 1985
Retention Election: November, 1994

CLERK, SUPREME COURT
GEOFFREY J. BUTLER

Address (Court): Supreme Court
Clerk's Office
350 State Capitol Building
Salt Lake City, Utah 84114
Telephone (Court): 538-7822
Education: J.D., Boston College, 1977
B.S., University of Utah, 1974
Date of Birth: November, 1952

UTAH COURT OF APPEALS

COURT OF APPEALS
REGNAL W. GARFF, JR.*

COURT OF APPEALS
RICHARD C. DAVIDSON

Address (Court): Court of Appeals
230 South 500 East, Suite 400
Salt Lake City, Utah 84102
Telephone (Court): 533-6400
Education: J.D. – University of Utah, 1971
Judicial Appointment: District Court, October 1982
Court of Appeals, January 1987
Retention Election: November 1990

COURT OF APPEALS
RUSSELL W. BENCH

Address (Court): Court of Appeals
230 South 500 East, Suite 400
Salt Lake City, Utah 84102
Telephone (Court): 533-6400
Education: M.P.A. – Brigham Young University, 1965
J.D. – University of Utah, 1970
B.A. – University of Utah, 1967
Judicial Appointment: Court of Appeals, January 1987
Retention Election: November 1990

COURT OF APPEALS
JUDITH M. BILLINGS

Address (Court): Court of Appeals
230 South 500 East, Suite 400
Salt Lake City, Utah 84102
Telephone (Court): 533-6400
Education: J.D. – University of Utah, 1977
B.A. – University of Utah, 1965
Judicial Appointment: Third District Court, October 1982
Court of Appeals, January 1987
Retention Election: November 1990

COURT OF APPEALS
PAMELA T. GREENWOOD

Address (Court): Court of Appeals
230 South 500 East, Suite 400
Salt Lake City, Utah 84102
Telephone (Court): 533-6400
Education: J.D. – University of Utah, 1977
B.S. – University of Utah, 1964
Judicial Appointment: Court of Appeals, January 1987
Retention Election: November 1990

COURT OF APPEALS
NORMAN H. JACKSON

Address (Court): Court of Appeals
230 South 500 East, Suite 400
Salt Lake City, Utah 84102
Telephone (Court): 533-6400
Education: J.D. – University of Utah, 1962
M.S. – Brigham Young University, 1958
B.S. – Brigham Young University, 1957
Judicial Appointment: Court of Appeals, January 1987
Retention Election: November 1990

*Presiding Judge

COURT OF APPEALS
GREGORY K. ORME

Address (Ogden):
Telephone (Ogden):
Education:
Judicial Appointment:
Retention Election:

CLERK, COURT OF APPEALS
TIMOTHY M. SHEA

Address:
Telephone:
Education:

ORGANIZATION

Supreme Court

The Supreme Court consists of five justices who serve ten-year terms. The justices elect a chief justice by majority vote to serve a four-year term, and an associate chief justice to serve a two-year term. The chief justice is the chief administrative officer for the courts. He presides over the Judicial Council and chairs the Judicial Nominating Commissions for all the courts, but may designate an associate justice to chair the nominating commissions for the trial courts.

The justices of the Supreme Court are assisted by law clerks, who are recent law school graduates with the responsibility to do legal research on issues before the court; central staff attorneys who screen the cases to be heard by the court; and a Clerk of the Court who is responsible for processing legal matters filed with the court.

The Supreme Court conducts its business on a monthly schedule. The Court generally sits the first and third Mondays of each month to decide matters presented on a law and motion calendar. These are procedural and substantive matters to be decided before briefs are filed with the Court. Following the presentation of the arguments by the attorneys, the justices hold a conference and either grant or deny the motions. Recently, only three of the five justices sit on the law and motion panel, allowing two justices to devote more time to writing opinions.

In the second full week of every month, the Court schedules oral arguments—about 15 new cases each month. After attorneys argue their cases before the Court, the justices hold a conference, reach a consensus, and one justice is assigned to write an opinion. Writing assignments are rotated to distribute the caseload as equally as possible. The justices may also elect to write separate concurring or dissenting opinions.

Supreme Court sessions are usually conducted at the State Capitol in Salt Lake City. However, the 1986 revised judicial article to the Utah Constitution permitted the Court to travel outside of Salt Lake City to hold court. In 1987, the Supreme Court took advantage of the revision and traveled to St. George, Price and Logan.

The Supreme Court justices prepare to hear oral arguments. From left: Associate Chief Justice I. Daniel Stewart, Justice Richard C. Howe, Chief Justice Gordon R. Hall, Justice Christine M. Durham, and Justice Michael D. Zimmerman.

Court of Appeals

The Court of Appeals consists of seven judges who serve six year terms. The judges of the court elect a presiding judge by majority vote to serve a two-year term. An associate presiding judge is also elected to serve in the absence or incapacity of the presiding judge.

The Court of Appeals sits and renders judgment in rotating panels of three judges. The court is prohibited by statute from sitting *en banc* (all seven members at once). Panel membership rotates at the beginning of each calendar quarter so that each judge sits with every other judge once. The result is a total of seven panels per quarter. Each judge sits on three panels and acts as chair of one of those panels.

A Salt Lake attorney argues his case before a Court of Appeals panel. From left: Judge Russell W. Bench, Judge Regnal W. Garff, and Judge Pamela T. Greenwood.

The panels hear oral arguments in cases during the third and fourth week of the month. After argument, the judges conference on the case and determine the result. One of the judges on the panel is assigned to write the opinion of the court. The court has a self imposed limit of 90 days from assignment of the case to filing the opinion. Although not every case meets this goal, the overall court average time from assignment of the case to filing the opinion is only 63 days.

One of the seven panels is designated as the law and motion panel. This panel serves the same purpose as the Supreme Court's law and motion panel, but rarely hears oral argument. The law and motion panel also hears appeals under Rule 31, which permits the Court to dispose of cases without a written opinion.

The judges are assisted by the Clerk of the Court, central staff attorneys, and law clerks.

The Court of Appeals usually holds court in Salt Lake City, but has developed a program to "ride circuit" four times per year. That is, the court will send one of its panels each quarter to hear oral arguments in the geographic region of the cases' origin.

JURISDICTION

Supreme Court

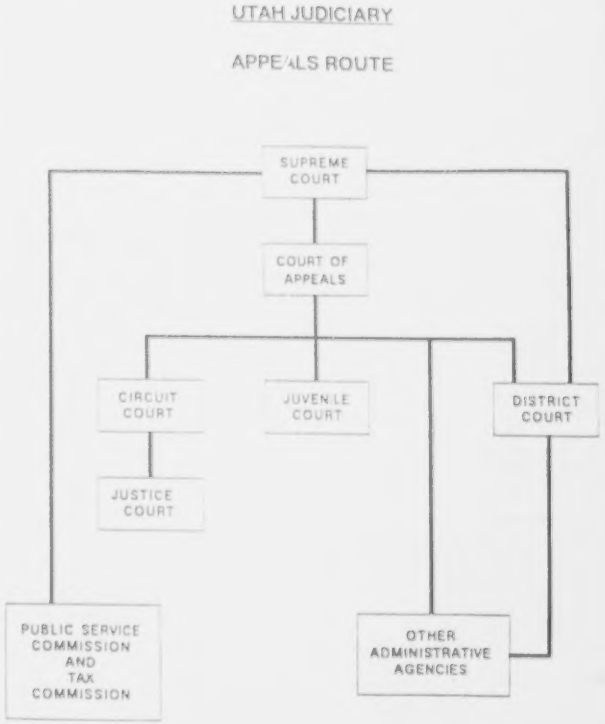
The Supreme Court is the highest court in the state. Under the revised Judicial Article of the Utah Constitution, the Supreme Court has original jurisdiction over questions from federal court, and extraordinary writs. By statute, the Supreme Court has appellate jurisdiction to hear first degree and capital felony convictions from the district court, and civil judgments other than domestic relations. The Supreme Court also reviews formal adjudicative proceedings of the Public Service Commission, Tax Commission, Board of State Lands, Board of Oil, Gas, and Mining, and the State Engineer.

The Supreme Court also has jurisdiction over judgments of the Court of Appeals, proceedings of the Judicial Conduct Commission, lawyer discipline, and both constitutional and election questions.

Court of Appeals

The jurisdiction of the Court of Appeals is complementary to that of the Supreme Court. The Court of Appeals determines all appeals from the Juvenile and Circuit Courts, including small claims. From the District Court, the Court determines appeals in domestic relations cases, and criminal matters of less than a first degree or capital felony. The Court of Appeals also reviews appeals of formal adjudicative proceedings by state agencies *except* the Public Service Commission, Tax Commission, Board of Oil, Gas, and Mining, Board of State Lands, and the State Engineer, which are reviewed by the Supreme Court.

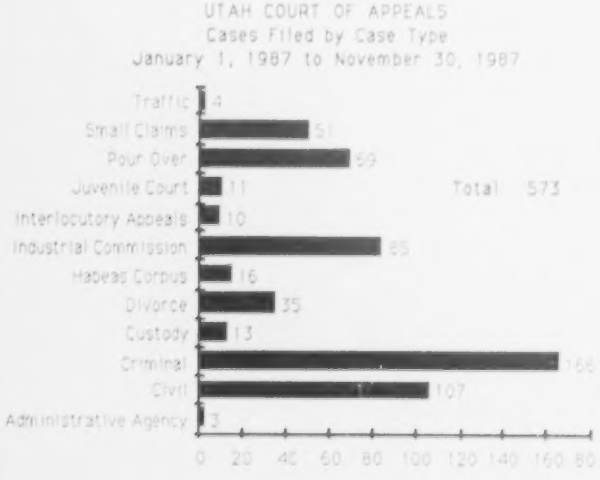
The Court of Appeals also has jurisdiction to hear cases transferred to it by the Supreme Court, which are limited by statute to appeals of civil cases from District Court. When the Court began operation on January 1, 1987, it started with a caseload of 373 cases, which were filed in the Supreme Court before the creation of the Court of Appeals.



The first chart below shows the breakdown of case types filed in the Supreme Court for calendar years 1985 and 1986 and the total cases filed during the first six months of 1987. The 1985 and 1986 cases are prior to the creation of the Court of Appeals and the jurisdictional design described above. The second chart shows the breakdown of the case types for the Court of Appeals after its first nine months of operation. Although the official reporting year ends June 30, 1987, the figures for the Court of Appeals, unless otherwise stated, cover the period January 1, 1987 to November 30, 1987.

UTAH SUPREME COURT
Cases filed by Case Type
January 1, 1985 to June 30, 1987

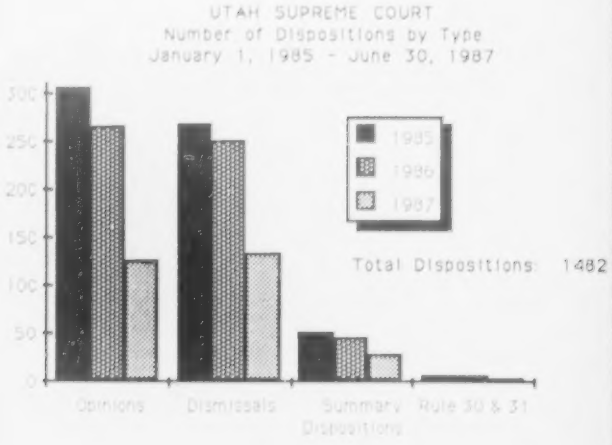
	1985	1986	1987	TOTAL
Civil	336	361		697
Criminal	129	124		253
Post Conviction	10	18		28
Original Writ	32	10		42
Administrative Agency	99	75		174
Interlocutory	42	51		93
Juvenile Court	13	12		25
Attorney Discipline	6	11		17
Bar Business	3	11		14
Grand Jury	1			1
Total	670	674	228	1572
Average/Month	55.8	56.2	38.0	52.4

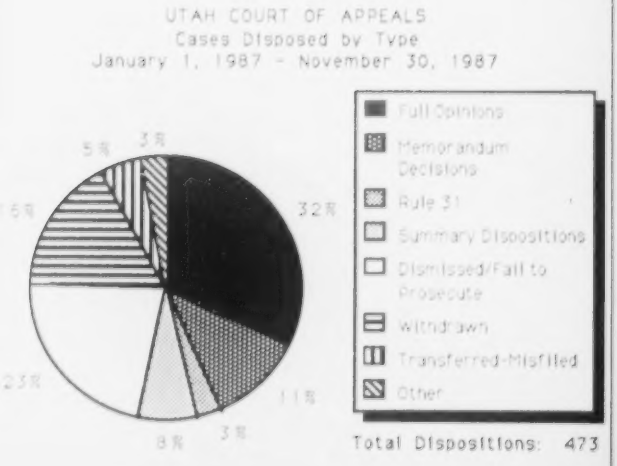


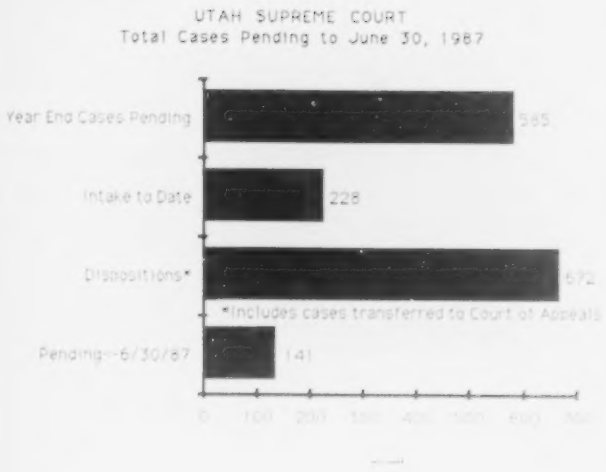
GROWTH AND PROJECTIONS

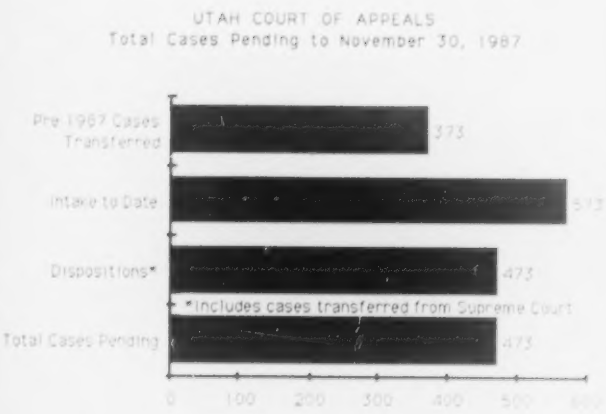
The growth in appellate caseload, both in Utah and across the country over the past decade, has been well documented. The Judicial Article Task Force report estimated that because of the growth in filings, the average time to dispose of cases by 1990 would be three and one-half years. Some cases would take twice that long.

A disaster of such proportions has been avoided with the creation of the Court of Appeals. However, there still exists a backlog of appeals. The following charts show first the dispositions, and then the cases pending in the two appellate courts.









Because the Court of Appeals has been in operation for only eleven months and has been disposing of cases for only nine months, it is too early to make reliable projections concerning appellate productivity and caseload. However, this initial period shows many encouraging signs for future success.

The Supreme Court transferred 373 cases to the Court of Appeals on its first day of business. Some of these cases were as old as three and one-half years and had been at issue, ready for argument for two and one-half years. Currently, there remain 54 cases at issue and ready for argument. Unless there is another bulk transfer of cases from the Supreme Court of cases ready for oral argument, the Court of Appeals hopes to calendar cases within three months of the at issue date by the close of fiscal year 1987-88.

In addition to disposing of the oldest cases, the appellate courts are demonstrating success in slowly eradicating the backlog of appeals. From the above charts for the Supreme Court and the Court of Appeals, it can be seen that during the reporting period both courts disposed of more cases than were filed.

If the appellate courts were working with a current inventory of cases, these rates would be acceptable. However, because of the existing backlog of cases, productivity will have to increase if the goals established for the Utah appellate system by the Judicial Article Task Force are to be met.

The first goal established by the Task Force was for the two appellate courts to dispose of cases on appeal, on the average, within one year of filing. This goal is in conformity with standards established for appellate courts. The second goal established by the task force was to reach the first goal within two years of the creation of the Court of Appeals. The appellate courts have taken large steps toward accomplishing these goals, and there are strong signs indicating improvement is likely. During the first nine months of full operation, the Court of Appeals disposed of an average of 52.4 cases per month. The Court reached that rate despite a rate of only 44 cases per month during the period March through June, 1987.

Productivity levels for such a short period of time cannot legitimately be used to make future projections. However, the early signs of success are in the face of two sizable obstacles to the Court of Appeals.

The first of these is that the Court of Appeals is a new organization. As in any new organization, time is lost in developing and becoming familiar with procedures. There are false starts and procedures that are tried but abandoned or changed due to impracticability or ineffectiveness.

The second obstacle is the heavy ratio of old cases initially transferred from the Supreme Court. These cases were already screened by the Supreme Court, and most were determined to be appropriate for oral argument. Because the Court of Appeals' caseload is heavily skewed toward more difficult and more significant cases that require oral argument and written opinion, the overall rate of disposition is less than would be the case with a more normal mix of cases.

To further increase productivity, the Supreme Court and the Court of Appeals have started a program for the expedited disposition of cases without opinion pursuant to Rule 31. It is anticipated that between six and ten additional cases per month can be disposed in this manner.

An ironic measure of success is the feedback the Courts are getting from the Attorney General's office, the County Attorney's office, Salt Lake Legal Defenders, and the court reporters—namely, they are having a difficult time keeping up the pace set by the Courts. As the Courts push to speed up the process, those offices are stretched to the limit to meet deadlines to prepare and submit briefs, docketing statements, and transcripts. Few extensions are granted because with the expanded capacity of the combined appellate courts, and because of the high priority given to criminal appeals, both courts are now as current as possible on criminal cases.

Continued success depends upon the continuing and increasing efforts of the two appellate courts. To this end, the Supreme Court and the Court of Appeals have planned an extensive workshop in April 1988 to assess the impact of the new court.

HIGHLIGHTS—SUPREME COURT

Board of Appellate Court Judges. A Board of Appellate Court Judges, comprised of the five justices of the Supreme Court and the seven judges of the Court of Appeals, was formed in January 1987. The judges meet quarterly to discuss matters of interest to the appellate courts.

Judicial Nominating Commissions. The Supreme Court approved a manual for judicial nominating commissions. The manual serves both to establish policies and procedures, and as a training device for commissioners and staff. The manual is under review after serving nominating commissions in all three trial courts of record and the Court of Appeals. The Legislature has since given the Judicial Council the responsibility for the continued development of nominating commission policies and procedures.

Supreme Court Rulemaking. The Supreme Court adopts rules of procedure and evidence for use in the courts. The Court also governs the practice of law, and authorizes retired justices and judges *pro tem* to perform any judicial duties.

The Supreme Court has established five advisory committees to research and draft appropriate rules of procedure and evidence. There is one advisory committee in each of the following areas: civil procedure, criminal procedure, appellate procedure, juvenile court procedure, and evidence. All of these committees have begun meeting. The committees' simple petition process should provide a convenient forum for the proposal, research, promulgation, and amendment of rules. Following is a list of the committees and their respective members:

Juvenile Procedure

Chairman: David S. Dolowitz

Hon. Arthur G. Christean
Carolyn Cox
Robert J. Dale
David R. Hartwig
D. Miles Holman
Hon. Paul C. Keller
Jane A. Marquardt
Frederic M. Oddone
Hon. Kenneth Rigtrup
Sterling B. Sainsbury
Richard K. Spratley
Prof. Lee Teitelbaum
Hon. Stephen A. VanDyke
Prof. Lynn D. Wardle

Appellate Proceedure

Chairman: Peter W. Billings, Jr.

Hon. Scott Daniels
Hon. Richard C. Davidson
James M. Elegante
Janet Crump Graham
Stuart W. Hinckley
Kimberly K. Hornak
Elaine D. Larsen
S. Rex Lewis
Prof. John Martinez
Annina Mitchell
Merrill F. Nelson
Curtis C. Nesset
Claron C. Spencer
Hon. John F. Wahlquist

Criminal Procedure

Chairman: Stewart Hanson, Jr.

Hon. Cullen Y. Christensen
Karma K. Dixon
Earl F. Dorius
Prof. Lionel H. Frankel
Hon. Dennis M. Fuchs
Prof. Michael Goldsmith
Hon. Tyrone E. Medley
Jo Carol Nesset-Sale
Hon. Rodney S. Page
David J. Schwendiman
Peter Stirba
Robert L. Stott
Marcus Taylor
Andrew A. Valdez
Brooke C. Wells

Evidence

Chairman: James B. Lee

Kenneth R. Brown
Neil B. Crist
Tim D. Dunn
Hon. Timothy R. Hanson
James F. Housley
M. Dayle Jeffs
Prof. Edward Kimball
Patricia M. Leith
Prof. Scott Matheson, Jr.
Ellen M. Maycock
Hon. Frank G. Noel
Clark Waddoups
W. Brent Wilcox

Civil Procedure

Chairman: Alan L. Sullivan

Kathleen B. Barrett
Wendell E. Bennett
Prof. Ronald N. Boyce
Prof. Jean Burns
Robert S. Campbell, Jr.
Robert A. Echard
Glenn C. Hanni
Darwin C. Hansen
M. Karlynn Hinman
Allan L. Larson
Prof. John K. Morris
Terrie T. McIntosh
Kent H. Murdock
Hon. Michael R. Murphy
Robert A. Peterson
Bruce M. Plenk
Prof. Kristine Strachan

Judicial Conduct Commission. For the first time since the Judicial Conduct Commission's establishment, a judge is one of the members. The judge is appointed by the other Commission members from among nominees submitted by the Judicial Council. The Conduct Commission investigates complaints against judges and may order appropriate sanctions.

Court of Appeals. The Supreme Court and the Administrative Office of the Courts outlined the internal organization and procedures for the Court of Appeals before the appointment of the new judges in order to provide a ready framework for operation. These internal operating procedures are designed to facilitate the effective government of the Court of Appeals and the efficient disposition of cases on appeal.

Election of Chief Justice. For the first time since statehood, the Chief Justice of the Supreme Court is elected by justices of the court rather than selected on the basis of rotation. The Legislature authorized this method of selection under the revised Judicial Article. The Court has elected Justice Gordon R. Hall to the office of Chief Justice for a four-year term and Justice I. Daniel Stewart to the office of Associate Chief Justice for a two-year term.

Code of Judicial Conduct. In May 1987, the Supreme Court adopted the revision of the Code of Judicial Conduct. The revision modernized the code and made it more responsive to the ethical issues facing judges, and clarified some ambiguities.

Supreme Court Travels. As part of the 1987 bicentennial celebration of the U. S. Constitution, the Supreme Court traveled to St. George, Price and Logan to hold special sessions of court. The Court was well received at all locations.

About 700 people attend the special Supreme Court session at Utah State University in Logan.

Cameras in the Courtroom. In October 1986, the Supreme Court granted permission, with certain restrictions, for the media to use video cameras and other recording devices during court sessions—for a one-year trial period. *

*In October 1987, the Court extended the experiment for another year.

HIGHLIGHTS—COURT OF APPEALS

Establishment

The principal highlight of the Court of Appeals is its genesis. After a decade or more of study, planning, and debate, the Court of Appeals is a reality.

The first steps towards the creation of the Court of Appeals were taken in 1977 when the Supreme Court

and the Senate commissioned the National Center for State Courts to review and make recommendations concerning the Utah appellate system. Even as early as 1977, the National Center recommended the creation of a Court of Appeals. The National Center also recommended organizational changes within the Supreme Court. These changes were implemented, and productivity increased dramatically—42 percent between 1978 and 1984.

In 1984, the voters approved the revised Judicial Article of the Utah Constitution. The new article became effective July 1, 1985. The amendment of the Constitution did not create the Court of Appeals, but gave the legislature the authority to do so.

In April of 1985, Governor Norman Bangerter formed the Judicial Article Task Force to research and recommend the best method of implementing the provisions of the new Article. After seven months of intensive study and debate, the Task Force issued its report. That report contained draft legislation—House Bill 100—which created the Court of Appeals.

The seven judges of the new court were administered the oath of office on January 17, 1987 for an initial term until November 1990. After voter approval at an unopposed retention election, the term of office is six years.

The judges began work on February 2, 1987 with a three week education and orientation program and an immediate caseload of about 400 cases.

Pamela T. Greenwood takes the Oath of Office.

OBSERVATIONS

Productivity. The appellate courts are investigating methods of increasing productivity. One possibility is through the expanded use of Rule 31, expedited hearings without written opinion. In addition the courts are investigating methods of providing the central staff attorneys with more time to spend on dispositions.

There is also a need to further improve the monitoring of cases and the enforcement of procedural requirements by the courts' respective front offices. This will have two results. First, there will be a few more dispositions for failure to prosecute cases. Also, as monitoring of cases and the enforcement of procedural requirements is improved, attorneys, clerks, and court reporters will begin to follow those requirements of their own accord without prompting.

Case Manager Janice Ray discusses proper procedure of appellate brief with attorney.

Data Processing. There is a need to improve the data processing capabilities of the appellate courts. Nearly all of the figures reported here are the result of manual tabulation. This does not adversely reflect upon the accuracy of the figures. However, the extent of the data is very limited, and the time spent recording, tabulating, and reporting data is extreme.

Jurisdiction. The Court of Appeals currently has jurisdiction over all appeals from the circuit courts, including the small claims department of circuit court. Although multi-judge review is critical to the development of the law in those cases arising from circuit court, formal appellate review of small claims cases has proven to be inefficient and inappropriate.

Although the question of small claims appeals was discussed by the Judicial Article Task Force, few of the many administrative difficulties of these cases were anticipated. The nature of these cases—small amounts in controversy, litigants representing themselves, and informal proceedings at the trial court—make them extremely difficult to resolve on appeal by a formal review of the record.

The Court of Appeals has adopted procedures that substantially relax most of the steps in the appellate process. A simplified form is provided that serves as the docketing statement. There is no requirement for a transcript of the trial; the tape recording of the trial is sufficient. The remainder of the record consists of any papers or exhibits considered by the trial court judge. Briefs are optional or the litigants may file a letter in lieu of a full brief. To speed the process, the cases are resolved by the law and motion panel without oral argument. However, small claims cases remain low priority civil cases. Thus, despite all of its efforts, the Court of Appeals is unable to give effect to the philosophy of speedy and inexpensive resolution of small claims cases.

Further, as a result of the simplified procedures, the small claims appeal gets less thorough attention than a fully developed appeal. For the most part, review is limited to the question of the sufficiency of the evidence.

More important than the administrative burdens faced by the Court of Appeals are the burdens faced by the litigants. The appeal of a case on the record is a costly, technical, and time consuming process. The docket fee in the Court of Appeals is a nonrefundable $125. There is also a refundable $300 cost bond. Although the steps are simplified to the extent possible, nevertheless, the parties are responsible for composing and filing a docket statement and a brief if one is desired.

The Court recommends that a more appropriate appellate process for small claims be developed.

Staff. In this era of cutback management, the appellate courts are investigating possible methods of organization and operation that will maintain and increase performance without an increase in resources. However, the Court of Appeals has requested, and the Judicial Council has approved, an additional central staff attorney and an additional law clerk for the presiding judge. The central staff of the Supreme Court also is stretched very thin, but increased staffing has been deferred in order to increase the Supreme Court research library.

Library. The development of the research capabilities of the appellate courts must be a coordinated effort to avoid undue expense. Nevertheless, accessibility to research tools is an important factor in determining the productivity of the courts. Because the State Law Library has been relocated to the first floor of the Capitol to make room for expansion of the Senate offices, the Supreme Court must upgrade its own research library.

RECOMMENDATIONS

1. Develop the use of Rule 31 to dispose of appropriate cases without opinion.
2. Investigate internal operational alternatives to increase the amount of time available for the disposition of cases.
3. Improve data processing capabilities to better manage cases and to improve statistical reporting capabilities.
4. Further improve the monitoring of cases and the enforcement of procedural requirements.
5. Recommend as needed clarification and simplification of the Rules of Appellate Procedure.
6. Develop programs necessary to meet or exceed the goals established by the Judicial Article Task Force.
7. Draft legislation to provide a more appropriate appellate process for small claims cases.
8. For the Court of Appeals, acquire a third central staff attorney and one additional law clerk for the presiding judge. Establish a time table for future law clerks.
9. Expand the research library of the Supreme Court to include high use items formerly immediately available from the State Law Library.

DISTRICT COURT

Board of District Court Judges
230 South Fifth East, Suite 300
Salt Lake City, Utah 84111
801 - 533-6371

June 28, 1987

Honorable Gordon R. Hall
Chief Justice, Utah Supreme Court
332 State Capitol
Salt Lake City, UT 84102

Dear Chief Justice Hall:

The past two years have been an exceptional period of time in the history of the Utah Judiciary, with the conversion of the Judicial Council to a constitutional body empowered with the rulemaking authority for the administration of the courts throughout the state. This expanded stature and authority has placed the judiciary in the position, for the first time, of having the ability to manage and administer its own affairs and of being accountable to the people of the state for its actions.

In the exercise of that authority, the Judicial Council has sought the participation of numerous judges to assist the Council in accomplishing its tasks by the creation of Boards of Judges for each level of the judiciary. These Boards of Judges fulfill the role of advising the Council on issues relating to each particular court, studying rules, policies and functions of the court which need attention, and developing proposals for improved efficiency, and effectiveness in the operation of the courts.

As Chairman of the Board of District Judges, I am pleased to report that the Board has been actively involved in numerous issues relating to the District Courts. Significant progress has been made in many areas and the Board is proceeding to address the challenges which lie ahead in improving the administration of our courts.

We are somewhat hampered in our efforts due to the current bifurcated structure of the District Courts but encouraged by the Judicial Council decision to place state administration of the District Courts as a high priority to be presented to the Legislature. The rationale for the proposal remains valid and is of paramount importance in order for the District Courts to have the full ability to manage its affairs properly.

The Board of District Court Judges are of the view that district judges throughout Utah are diligent, conscientious, and devoted to the responsibilities of their office. We are committed to the continued strengthening and improvement of our court and the judicial system. We pledge our support to the Judicial Council and the various levels of the courts in the accomplishment of their objectives and our continued pursuit of excellence.

Yours truly,

Ray Harding

Ray Harding, Chairman
Board of District Court Judges

DISTRICT COURT JUDGES

FIRST DISTRICT
VENOY CHRISTOFFERSEN*

FIRST DISTRICT
OMER J. CALL

SECOND DISTRICT
DOUGLAS L. CORNABY

SECOND DISTRICT
RONALD O. HYDE

SECOND DISTRICT
RODNEY S. PAGE

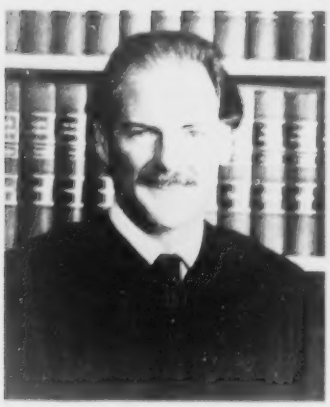
SECOND DISTRICT
DAVID E. ROTH*

* Presiding Judge

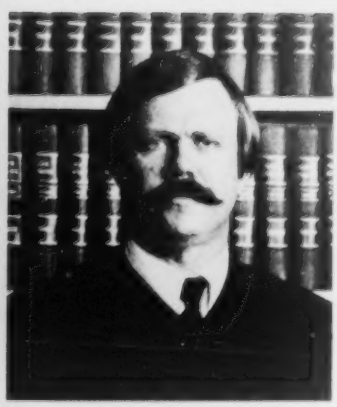
SECOND DISTRICT
JOHN F. WAHLQUIST

THIRD DISTRICT
PAT B. BRIAN

THIRD DISTRICT
SCOTT DANIELS*



THIRD DISTRICT
J. DENNIS FREDERICK



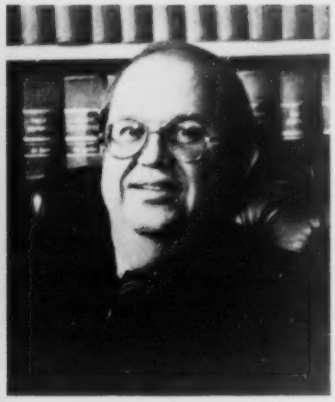
THIRD DISTRICT
TIMOTHY R. HANSON

THIRD DISTRICT
RICHARD MOFFAT

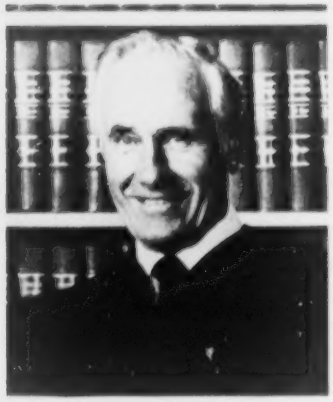
* Presiding Judge

THIRD DISTRICT
MICHAEL MURPHY

THIRD DISTRICT
FRANK G. NOEL

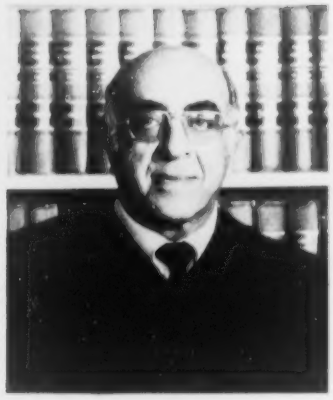


THIRD DISTRICT
KENNETH RIGTRUP



THIRD DISTRICT
JOHN A. ROKICH

THIRD DISTRICT
LEONARD H. RUSSON



THIRD DISTRICT
JAMES S. SAWAYA

THIRD DISTRICT
RAYMOND S. UNO

THIRD DISTRICT
HOMER WILKINSON

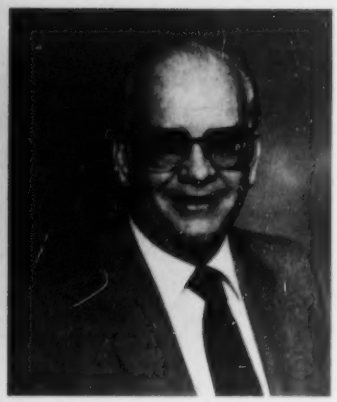
THIRD DISTRICT
DAVID S. YOUNG

FOURTH DISTRICT
GEORGE E. BALLIF

FOURTH DISTRICT
CULLEN Y. CHRISTENSEN

FOURTH DISTRICT
RAY M. HARDING

* Presiding Judge

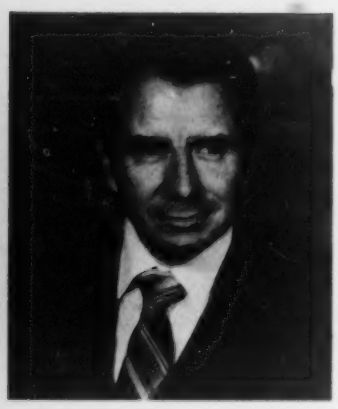


FOURTH DISTRICT
BOYD PARK*

FIFTH DISTRICT
J. PHILIP EVES*

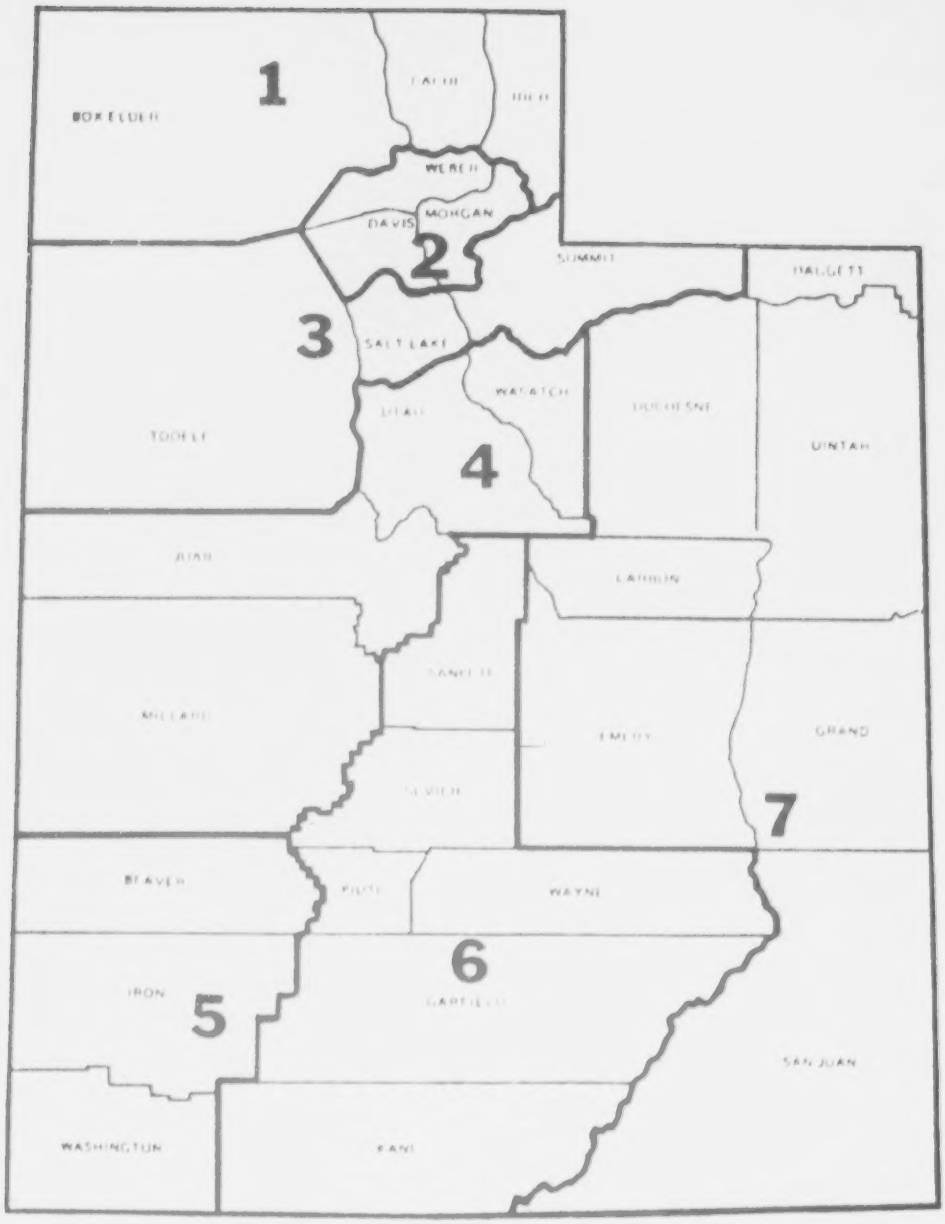
SIXTH DISTRICT
DON V. TIBBS*

SEVENTH DISTRICT
BOYD BUNNELL*



SEVENTH DISTRICT
DENNIS L. DRANEY

* Presiding Judge



COUNTIES WITHIN EACH DISTRICT COURT BOUNDARY

District 1
Box Elder
Cache
Rich

District 2
Davis
Morgan
Weber

District 3
Salt Lake
Summit
Tooele

District 4
Juab
Millard
Utah
Wasatch

District 5
Beaver
Iron
Washington

District 6
Garfield
Kane
Piute
Sanpete
Sevier
Wayne

District 7
Carbon
Daggett
Duchesne
Emery
Grand
San Juan
Uintah

ORGANIZATION

The District Court is the state trial court of general jurisdiction. The state is divided into seven judicial districts and there are 29 full-time district judges, each of whom serves in a particular district. Each judge has available a court clerk, a bailiff, and a court reporter who maintains a verbatim record of all court proceedings.

In the First, Third, and Fourth Districts, Domestic Relations Court Commissioners have been appointed to assist the district judges. The Commissioners are attorneys who conduct pretrial hearings, pursue settlements, and make recommendations to the judge. If a party disagrees with the court commissioner's recommendation, a full rehearing may be had before a judge.

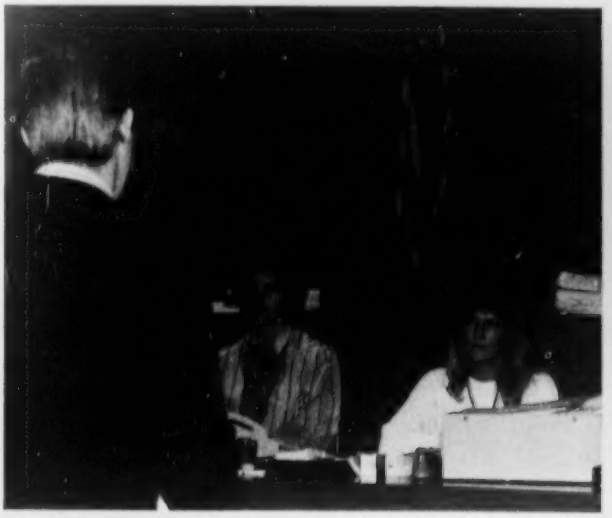
Court Commissioner Sandra Peuler conducts a pre-trial hearing in a domestic relations case.

JURISDICTION

The District Court has original jurisdiction to try all civil cases involving claims of more than $10,000, and all criminal felonies, such as homicides, assaults, sex and drug offenses, forgery, arson, and robbery.

Domestic relations cases, such as divorces, separations, child custody and support matters, probate, adoption, name changes and the settling of estates are also an important part of the District Court caseload. The District Judges also have the power to issue all extraordinary writs.

In addition, the District Court serves as an appellate court to review **informal** adjudicative proceedings from administrative agencies.

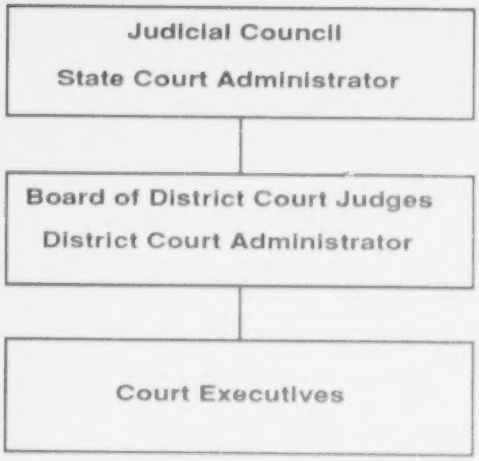


A local attorney argues his case before Third District Judge Scott Daniels.

ADMINISTRATION

In December 1985, the Judicial Council established the Board of District Court Judges to serve the administrative needs of that court. The Board is comprised of seven judges, who represent a geographical cross-section of the state. They are elected at large by all the district court judges and serve a three-year term. The Board meets monthly at the Administrative Office of the Courts. The judges identify issues related to the District Courts, study possible solutions, and make recommendations to the Judicial Council.

In January 1986, a District Court Administrator was appointed by the State Court Administrator, with the approval of the Board of District Court Judges. The Administrator oversees the administration of the seven district courts in the state, assists in developing and implementing policy sanctioned by the Judicial Council, works with the court executives in the field, and serves as staff to the District Judges Board.



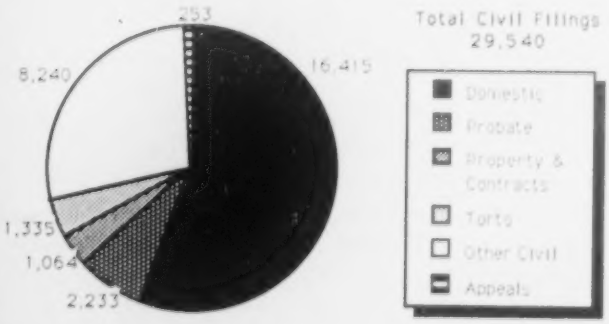
In judicial districts with more than one judge, a Presiding Judge is elected by majority vote for a two-year term. The presiding judge, in addition to judicial responsibilities, has the responsibility to oversee the activities and operation of the court.

The presiding judge is assisted by a Court Executive, who supervises the work of all nonjudicial court staff and serves as the administrative officer of a district. In addition, the County Clerk in each county acts as the Clerk of the Court. Clerical support and other administrative services are therefore provided by the county in which the court is located.

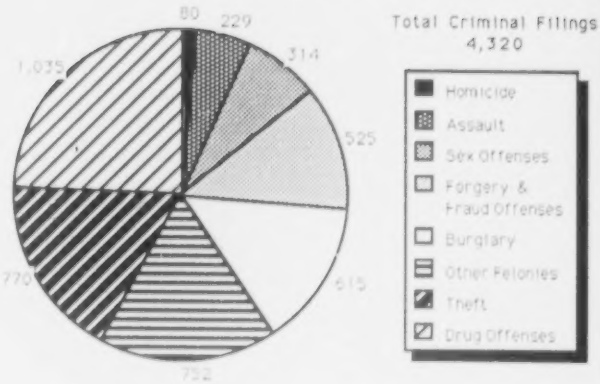
DISTRICT COURT CASELOAD

The following two charts show a breakdown of the total number of civil and criminal filings by case type for fiscal year 1987.

CIVIL FILINGS
JULY 1986 - JUNE 1987

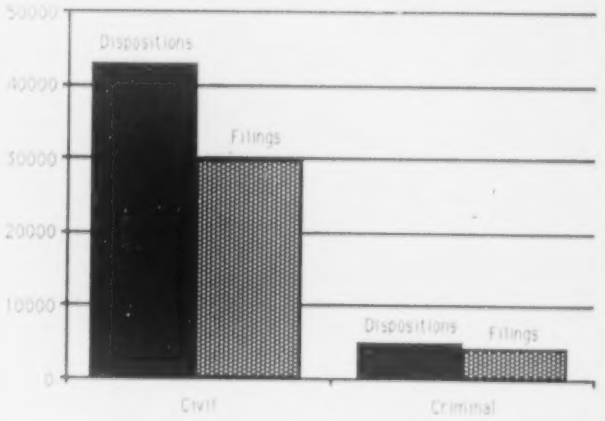


CRIMINAL FILINGS
JULY 1986 - JUNE 1987



Rule 4.1 of the Rules of Practice provides judges a tool for removing old civil cases from their case inventory. In fiscal years 1986 and 1987, this rule was used extensively, as shown by a higher number of dispositions than filings in the following chart.

CIVIL & CRIMINAL FILING & DISPOSITION COMPARISONS
1986-87

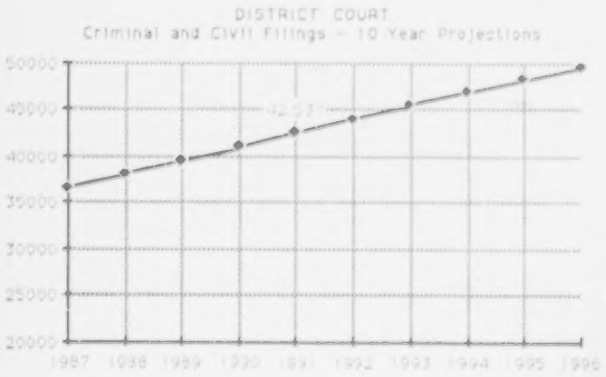


HISTORICAL GROWTH

The most dramatic decrease in the District Court caseload occurred in 1984 when the Legislature changed the civil jurisdiction from $5,000 to $10,000 in the Circuit Court. Twenty percent of the civil cases filed in the District Court were then shifted to the Circuit Court.

FUTURE PROJECTIONS

In 1986, the Utah consulting firm of Carter-Goble analyzed past changes in the District Court caseload and made future projections, as part of the development of a Facilities Master Plan for Utah courts. The graph below indicates the nature of growth that is anticipated in the District Court caseload over the next ten years.



HIGHLIGHTS

Formation of Board of District Court Judges. The Board of District Court Judges was established in December 1985 to serve the administrative needs of the District Court. The seven members are: Hon. Ray Harding (Chairman), Hon. Rodney S. Page, Hon. Leonard H. Russon, Hon. James S. Sawaya, Hon. John A. Rokich, and Hon. Don. V. Tibbs.

New District Court Administrator. The first District Court Administrator for Utah was appointed in January 1986 to coordinate District Court operations statewide.

New Judges. During 1986-87, seven new judges were appointed to the District Court. The appointments represented a 24.1 percent change in the district bench, involving three out of seven districts.

Change in Appellate Jurisdiction. With the creation of the Court of Appeals in January 1987, the District Court lost appellate jurisdiction over the circuit court and all trial de novos (new trials) in cases appealed from the Justice of the Peace Courts. However, the District Court still sits as an appellate court to review informal adjudicative proceedings from administrative agencies.

New Facilities. In July 1986, the Seventh District Court moved into a new facility in Price, which also houses the circuit and juvenile courts. In October 1987, the First District Court will co-locate with the circuit and juvenile courts in Logan. There is also a need for new or improved facilities in Grand, Utah and Salt Lake Counties, and an evaluation of the facility in Weber County.

Uniform Child Support Schedule. Under the direction of the Board of District Court Judges, a 17-member task force is developing a statewide uniform child support payment schedule for judges that will meet the needs of the courts, community, and the children involved. The task force plans to make recommendations to the Judicial Council for adoption by the Spring of 1988.

Child Support Task Force members meet to discuss the development of a uniform child support payment schedule.

OBSERVATIONS

The District Courts are facing the same challenges as the other court levels in coping with increased caseloads during a period of limited resources. Efforts are being made to manage the business of the courts in the most efficient and effective manner possible within the current administrative structure of the Court.

Programs such as the conversion to the individual calendar system in the Third Judicial District have been adopted by the judges in order to place the courts in the position of having the ability and responsibility to control the pace of litigation. This program reduces backlogs and delay and allows individual judges to keep calendars current.

However, the District Courts are limited in their ability to manage the business of the courts due to the bifurcated system of support services available to the courts. To alleviate this problem, the District Judges have endorsed the recommendations for the state to assume the funding responsibility for the court, as concluded by the Commission on the Administration of Justice in the District Courts.

Legislation to implement the recommendations of the Commission will be considered by the 1988 Legislature, and is a high priority of the Board of District Court Judges and the Judicial Council. Enactment of the bill will provide the means for the District Courts to continue to develop programs for greater efficiencies in the operation and administration of justice.

JUVENILE COURT

STATE OF UTAH
ADMINISTRATIVE OFFICE OF THE COURTS
230 SOUTH 500 EAST, SUITE 300
SALT LAKE CITY, UTAH 84102
(801) 533-6371

GORDON R. HALL
CHIEF JUSTICE
CHAIRMAN, JUDICIAL COUNCIL
WILLIAM C. VICKREY
STATE COURT ADMINISTRATOR

RONALD W. GIBSON
DEPUTY COURT ADMINISTRATOR
JOHN F. McNAMARA
JUVENILE COURT
ADMINISTRATOR

July 1, 1987

Honorable Gordon R. Hall
Chief Justice, Utah Supreme Court
State Capitol
Salt Lake City, Utah 84114

Dear Chief Justice Hall,

On behalf of the Board of Juvenile Court Judges and staff of the court, I am submitting to you a biennial report for the period July 1, 1985 to June 30, 1987. The report is a summary of the activities of the State Juvenile Court for that period.

Each year, since the beginning of this decade, the Juvenile Court records a new high in the volume of matters referred for court handling. During the first half of this decade we were staggered with a 59 percent increase in matters handled. That trend is continuing. We are experiencing an eight to ten percent increase in volume each year. As you are aware, there has not been a corresponding increase in resources available to the Juvenile Court. Substantial effort has been directed at handling cases through alternative means, but we now feel that those alternatives have been exhausted. We are apprehensive that in the very near future case processing time in the Juvenile Court will reach a level that is unacceptable and where delays will seriously impair the fair administration of justice.

Despite these difficulties, we continue to operate and commit to you our ongoing efforts to preserve a Juvenile Court system that will fairly and justly serve the citizens of our State. Your support and that of the Judicial Council is very much appreciated.

Respectfully,

Arthur G. Christean, Chairman
Board of Juvenile Court Judges

JUVENILE COURT JUDGES

FIRST DISTRICT JUVENILE
L. KENT BACHMAN*

FIRST DISTRICT JUVENILE
ROBERT L. NEWEY

FIRST DISTRICT JUVENILE
STEPHEN A. VAN DYKE

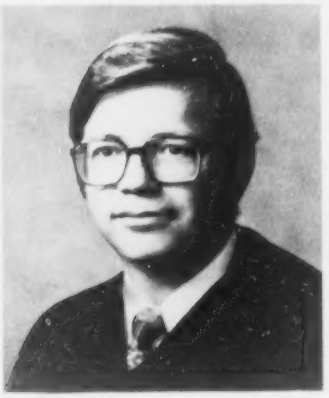
SECOND DISTRICT JUVENILE
ARTHUR G. CHRISTEAN

SECOND DISTRICT JUVENILE
OLOF A. JOHANSSON

SECOND DISTRICT JUVENILE
FRANKLYN B. MATHESON

*Presiding Judge

SECOND DISTRICT JUVENILE
SHARON P. MCCULLY*



THIRD DISTRICT JUVENILE
LESLIE D. BROWN

THIRD DISTRICT JUVENILE
MERRILL L. HERMANSEN*

FOURTH DISTRICT JUVENILE
LOUIS TERVORT

FIFTH DISTRICT JUVENILE
PAUL C. KELLER

SIXTH DISTRICT JUVENILE
JOSEPH E. JACKSON

*Presiding Judge

COUNTIES WITHIN EACH JUVENILE COURT BOUNDARY

District 1	District 2	District 3	District 4	District 5	District 6
Box Elder	Salt Lake	Juab	Millard	Carbon	Beaver
Cache	Summit	Utah	Piute	Emery	Iron
Davis	Tooele	Wasatch	Sevier	Grand	Washington
Morgan		Daggett	Wayne	San Juan	Kane
Rich		Duchesne	Sanpete		Garfield
Weber		Uintah			

ORGANIZATION

Since passage of the Juvenile Court Act of 1965, the Juvenile Court has been an integral part of the judicial system of Utah, subject to the general supervision of the Supreme Court. The Juvenile Court is divided into six districts, and there are currently twelve full-time juvenile court judges.

In addition, the First and Second District Juvenile Courts employ a Court Commissioner—one half-time and one full-time, respectively. The Court Commissioners are attorneys who hear a variety of cases, ranging from traffic citations, truancy and protective custody to more serious crimes. After a hearing, they submit their findings and recommendations to the judge in writing. If a party disagrees with the Commissioner's ruling, a rehearing before a judge may be requested.

The Juvenile Court, unlike other state courts of record, administers a Probation Department, which employs 108 probation officers in six districts. The probation officers supervise youth who have been placed on probation by the Court. The officers conduct evaluations and submit periodic reports on the progress of each juvenile placed under their supervision.

JURISDICTION

The Juvenile Court has exclusive jurisdiction over youths, under 18 years of age, who violate any federal, state or municipal law or ordinance, and any child who is abused, neglected or dependent. The Juvenile Court also has the power to determine child custody; to permanently terminate the parent-child relationship; to require therapy for parents; to authorize or require treatment for mentally disturbed or defective children; to place children under the supervision of the Court's probation department; to place children in the custody or care of foster homes, group homes, special treatment centers, or secure institutions; and to require children to pay fines or make restitution for damage or loss resulting from their delinquent acts.

In addition, the Juvenile Court has concurrent jurisdiction with the Circuit and Justice of the Peace Courts in traffic matters involving minors, and over adults who commit offenses against children.

Judge Sharon McCully listens to a youth's explanation of his delinquent behavior.

As of January 1987, all appeals from the Juvenile Court are heard by the Court of Appeals instead of the State Supreme Court.

Interstate Compact. As a member of the Interstate Compact on Juveniles, the Court accepts supervision of juveniles who move to Utah from another state, but who are under court supervision before moving. In turn, the Court often requests supervision for juveniles under court supervision who are residing in Utah, but who are contemplating a move to another state. Compact supervision, which includes both probation and parole, has proven to be a valuable service on behalf of juveniles.

Sandy Iwasaki reviews a juvenile's rap sheet.

ADMINISTRATION

The Board of Juvenile Court Judges is the administrative head of the juvenile courts and is responsible for formulating general policies and procedures for the overall operation of the six juvenile districts in the state. The Board is comprised of all twelve juvenile court judges with one judge elected as the chairman for a two-year term. The Board meets monthly at the Administrative Office of the Courts.

The Juvenile Court Administrator is appointed by the State Court Administrator with the approval of the Board of Juvenile Court Judges. The Administrator serves as staff to the Board and has the responsibility to prepare the courts' budget; coordinate Juvenile Court operations statewide; recommend improvements in court administration and services; supervise and provide consultation to district staffs; and appoint Directors of Court Services and others to assist him in performing his duties.

In judicial districts with more than one judge, a presiding judge is elected by majority vote for a two-year term. The presiding judge, in addition to his judicial responsibilities, manages the activities and operation of the district.

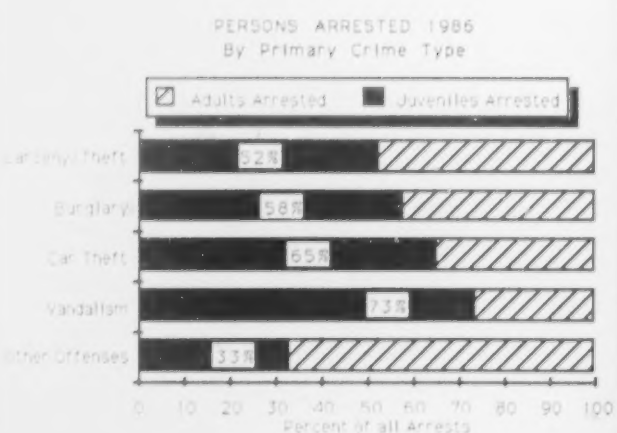
The presiding judge in each district is assisted by a Director of Court Services, who supervises the work of all nonjudicial court staff of the district and serves as administrative officer of the district. An essential element of the Juvenile Court is the support staff including clerical, intake and probation.

JUVENILE CRIME PROBLEM

Juveniles account for a significant portion of the crime problem in Utah. This is partially explained by the following facts:

- Utah has the nation's lowest median age—24.2 years—compared to the national median of 30 years.
- 37 percent of the State's population is under 18 years of age—the highest percentage in the nation.
- 45 percent of Utah's households have children under 18 years of age.
- Utah's average family size of 3.66 members leads the nation.

According to Department of Public Safety reports, juveniles accounted for 35 percent of all persons arrested in 1986—up from 30 percent in 1982. When comparing adult and juvenile arrests for the more frequent, serious offenses, juveniles account for a significantly higher portion of arrests. However, only a few youth in each age group will be responsible for the significant amount of crime.



Since most of the above arrests involved youth 14 through 17 years of age—who represented just under 7 percent of Utah's population in 1986, but account for almost 50 percent of the more serious crime arrests—the importance of appropriately dealing with this high crime prone age group can more clearly be seen. Unfortunately, there appears to be no rest in sight for the juvenile justice system since future projections indicate this 14 to 17 year old population will continue to grow through 1995.

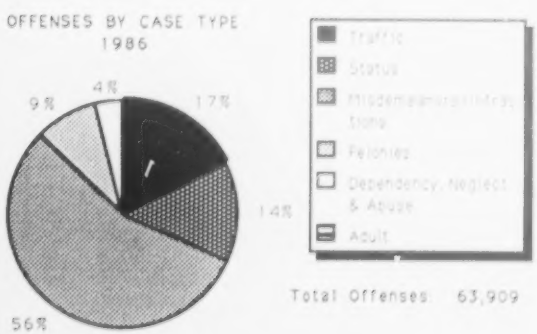
JUVENILE COURT CASELOAD

During 1985, a standardized judicial workload report was established for all Juvenile Court Judges and Court Commissioners. Each judge and commissioner is given a two page report each quarter detailing their workload for the previous three months.

The report shows the number of offenses pending at the beginning of the period, the number of offenses filed and disposed of during the period, and the number remaining pending, either active or inactive, at the end of the period. This grouping is subdivided into eleven offense groups—from felonies through traffic offenses—to allow for the application of a weighting formula currently in the development stage. Also included in this report is a tabulation of the number of days from filing to final disposition for those offenses closed during the period.

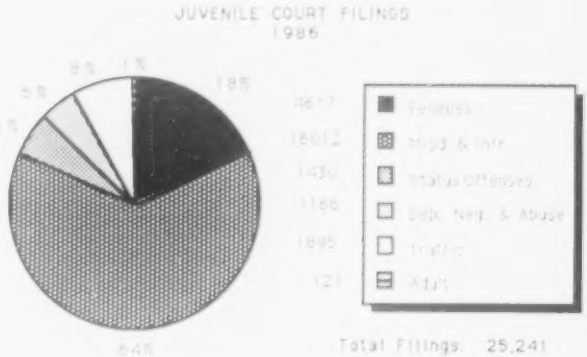
Offenses

The following chart shows the number of offenses reported to the court by case type during 1986.



Filings/Hearings

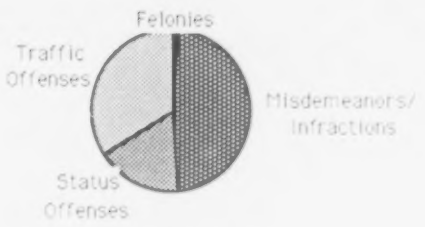
A total of 25,241 cases were filed in 1986. The average total number of offenses filed per judge was 2243. Each matter filed required at least one hearing to determine the appropriate disposition and others required several hearings before resolution.



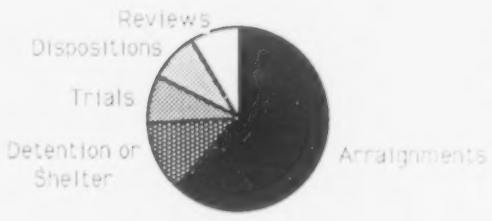
Court Commissioners

The 1987 Legislature changed the title of Juvenile Court Referees to Commissioners to conform with the title used in the other state courts. A significant amount of work is accomplished by the court's two commissioners—one full-time and one part-time. During 1986 their workload was as follows:

NEW FILINGS
1986



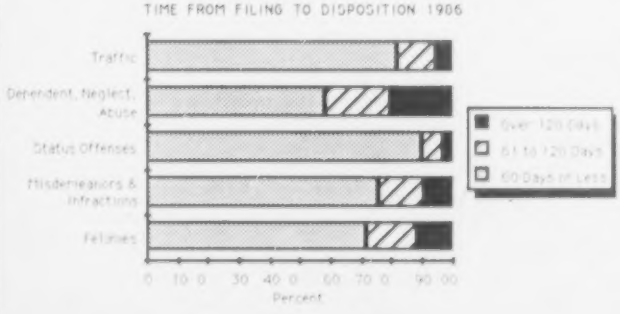
HEARINGS HELD
1986



Processing Times

In 1983, the American Bar Association's National Conference of State Trial Judges and the Conference of State Court Administrators recommended that juvenile cases be handled in 60 days from filing. No standards have yet been adopted by Utah's Judicial Council or the Board of Juvenile Court Judges. The following chart summarizes actual processing times for all offenses heard by a Judge or Commissioner. Overall, 79 percent of all offenses filed were disposed in 60 days or less, 13 percent in the next 60 days and only 8 percent took longer than 120 days to handle.

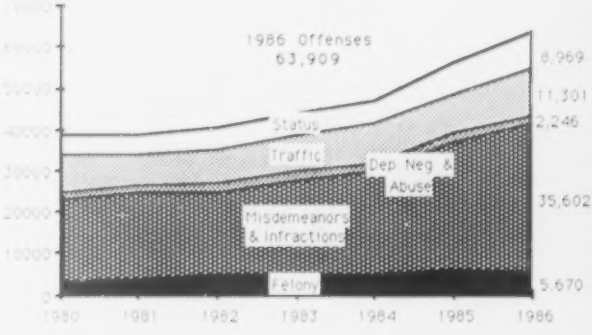
TIME FROM FILING TO DISPOSITION 1986



HISTORICAL GROWTH

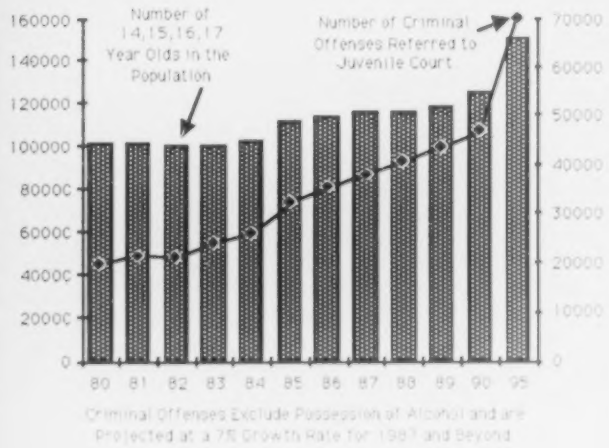
1986 was characterized by a jump in misdemeanors, infractions and status offenses—with a 64 percent increase in the total offenses received by the court. Each district has a different type of offense ratio. For example, First and Third Districts receive more traffic offenses proportionately than the other districts; Second District receives more dependency, neglect and abuse referrals. The following chart shows the growth since 1980.

TOTAL OFFENSES REPORTED 1980 - 1986



FUTURE PROJECTIONS

Criminal offense rates have been increasing for many years, indicating more and more offenses are being referred to Juvenile Court per 1,000 youth in the population each year. During the 1970's and early 1980's, the older teen population, 14 through 17 years of age, remained about the same size, approximately 100,000 youth. Beginning in 1985, however, this age group began to increase rapidly, jumping 8 percent from 1984 to 1985. In the next 10 years, a 46 percent growth in this age group is expected. This will put significant stress on the juvenile court, especially if offense rates continue to grow at their historical rate. The following chart projects offenses anticipated from now to 1995—assuming a 7 percent growth rate.



Reported criminal offense rates may increase due to the following factors:

1. Law enforcement agencies continually improve their efficiency.

2. More formalized police policy encourages referral to juvenile court rather than a field closure as might previously been done.

3. Placement of law enforcement officers in the schools and the establishment of special youth divisions increasing detection and thus formal referral.

4. Tougher high school requirements, resulting from the Gardner Commission report, force more marginal youth out of school earlier, with more idle time on their hands to commit crimes.

5. The juvenile justice system improves the formal counting process thus "officially" increasing the crime reported without an increase in the actual amount of crime.

Our most conservative projections indicate that the Juvenile Court will experience significant growth from now until 1995. Considering the staff reductions that have occurred over the past few years, this should prove a challenging time for judges and staff.

HIGHLIGHTS

Buildings Projects. The First Distict in Ogden was authorized and funded for a new building expected to be completed in mid 1988. The Logan office of the First District is scheduled to move into new facilities currently being renovated as a court center for District, Juvenile and Circuit Courts. The Farmington office is currently scheduled for expansion of its existing facility as funds become available.

The Second District has received planning money to develop a new court in the Salt Lake area.

Third District has a new building under construction in Vernal that should be ready for use during the summer of 1987.

The Manti office of the new Fourth District relocated into an office shared with several related public agencies.

Juvenile Court Administrator John McNamara welcomes everyone to the groundbreaking ceremony for the new First District Juvenile Court building.

Restitution. The statewide restitution committee was successful in getting the legislature to increase the amount withheld from fine monies from 20 percent to 25 percent, and giving the Board of Judges more flexibility in the use of the resulting fund to enhance the program. Several site visits were made by committee members to other juvenile courts with restitution programs. The major remaining task is to produce a statewide restitution manual.

Beginning in July 1986 restitution work team supervisors were hired at four sites around the state to supervise groups of youth in community service. It is anticipated that this activity will be expanded to

additional sites in every district in 1987 and 1988. The court continues to order and collect increasing amounts of restitution which it returns to victims.

Intensive Probation. Intensive probation was tried in the Farmington office beginning in January 1986. The model used required every youth placed on probation to complete two months of intensive supervision before moving to a more traditional contact level. Intensive contact was defined as five or more contacts per week, including some weekend contacts and a grounding of the youth except when in school, at work, or with a parent. Data is currently being collected to determine if recidivism is impacted.

Probation Study. The National Council on Crime and Delinquency (NCCD) completed its three-year study of probation during 1986. The Council's findings indicate probation, and especially Youth Corrections placement alternatives, suppressed recidivism. The level of probation services did not seem to impact recidivism. Perhaps a more intensive probation experience, than was provided during the study, might make a difference.

Guardian Ad Litem. During 1986, the Court took over the administration of the Guardian Ad Litem Program previously administered by the Department of Social Services. The $140,000 allotted to this program is contracted out to law firms or private attorneys in various parts of the state to act as court appointed guardians ad litem.

First District Juvenile Court Judge Kent Bachman swears in nineteen new guardians ad litem.

New Court Directors. Three new Directors of Court Services were appointed in the past two years—one in First District, Second District, and Fourth District, respectively.

New Judges/New District. In October 1986, the boundaries of 3rd and 4th District were changed and a new 6th District was created to accommodate the growth in the southwest part of the State. Judge Joseph Jackson moved from the 4th District to the 6th District, and Louis Tervort became the new 4th District judge. This addition increases the number of juvenile court judges to 12.

In April 1987, Judge Olof A. Johansson was appointed to the Second District Juvenile Court, replacing Judge Regnal Garff, Jr., who was appointed to the new Court of Appeals.

Probation Privatization. Beginning in January 1987, a study was begun in the Salt Lake area to determine the feasibility of contracting out for a portion of probation services currently administered by the state.

After School Study Program. Sixth District has been administering an after school study program in cooperation with the Iron County School District. Delinquent youth who are also having school problems are ordered to attend the after school hours special tutoring program run by the school district. A grant provided funds to pay the teacher supervisors after hours.

Merger. The 1986 Legislature, in keeping with the adoption of a new judicial article to the State's Constitution, adopted new legislation which further altered the administrative structure of the Court. This legislation merged the administration of the Juvenile Court with the State Court Administrator's Office and created one unified administrative structure for all the courts.

BUDGET

Total state expenditures in fiscal 1987 were $8,246,178. An additional $60,846 of federal grant money was spent. Expenditures were distributed among the six Juvenile Court districts and the Administrative Office roughly equivalent to their workload.

Revenue shortfalls continued to plague Utah during 1986-87, resulting in a budget reduction to the Juvenile Court of $221,000. As a result, sixteen probation positions were not filled—eight new positions and eight existing vacancies. This continues a four-year trend of increased workload imposed on fewer staff.

CIRCUIT COURT

BOARD OF CIRCUIT COURT JUDGES

June 30, 1987

Honorable Gordon R. Hall, Chairman
Utah Judicial Council
332 State Capitol
Salt Lake City, Utah 84114

Dear Chief Justice Hall:

With the passage of the Judicial Article and House Bill 100, the judiciary of Utah has seen significant changes in its manner of administration. One facet of these changes is the creation of Boards of Judges to govern the activities of the different levels of court. In May of 1986, the Board of Circuit Court Judges was formed. Since that time, the Board has been actively working on a variety of issues--some which pertain exclusively to the Circuit Court and some which affect the Circuit Court's relationship with other courts and other agencies in the Utah system.

Areas where the Board has been particularly involved include: formulating appellate procedures from and to Circuit Court, planning the progress of automation in the Trial Court Information System, streamlining small claims trial de novo procedures, preparing for the annual circuit judges conference, developing rules dealing with Circuit Court issues, and establishing planning priorities for future Circuit Court activities.

The Board feels that its discussions and decisions are helping to improve the operation of the Circuit Court and the judicial system statewide. In an effort to understand and address the concerns and problems of the Court, the Board encourages input from the circuit judges around the state, as well as from judges of other courts and non-judicial personnel.

Sincerely,

K. Roger Bean

K. Roger Bean, President
Board of Circuit Court Judges

CIRCUIT COURT JUDGES

FIRST CIRCUIT
ROBERT W. DAINES*

SECOND CIRCUIT
THEODORE S. PERRY*

SECOND CIRCUIT
DAVID W. SORENSON

THIRD CIRCUIT
PARLEY R. BALDWIN

THIRD CIRCUIT
PHILLIP H. BROWNING

THIRD CIRCUIT
ROBERT V. PHILLIPS

* Presiding Judge

THIRD CIRCUIT
STANTON TAYLOR

THIRD CIRCUIT
W. BRENT WEST*

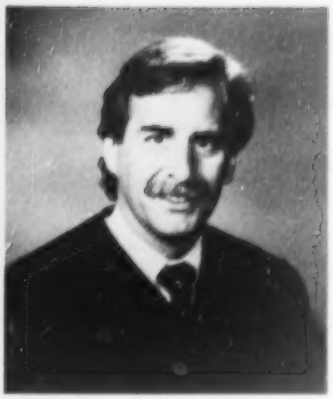
FOURTH CIRCUIT
K. ROGER BEAN

FOURTH CIRCUIT
S. MARK JOHNSON*

FOURTH CIRCUIT
ALFRED VAN WAGENEN

FIFTH CIRCUIT
MICHAEL K. BURTON

*Presiding Judge



FIFTH CIRCUIT
DENNIS M. FUCHS

FIFTH CIRCUIT
ROBERT C. GIBSON

FIFTH CIRCUIT
FLOYD H. GOWANS*

FIFTH CIRCUIT
PAUL G. GRANT

FIFTH CIRCUIT
LEROY H. GRIFFITHS

FIFTH CIRCUIT
MICHAEL L. HUTCHINGS

*Presiding Judge

FIFTH CIRCUIT
MAURICE D. JONES

FIFTH CIRCUIT
SHEILA K. MCCLEVE

FIFTH CIRCUIT
TYRONE MEDLEY

FIFTH CIRCUIT
PHILIP K. PALMER

FIFTH CIRCUIT
ROBIN W. REESE

FIFTH CIRCUIT
WILLIAM A. THORNE

FIFTH CIRCUIT
ELEANOR S. VAN SCIVER

SIXTH CIRCUIT
EDWARD WATSON*

SEVENTH CIRCUIT
WHITNEY D. HAMMOND*

EIGHTH CIRCUIT
JOHN BACKLUND

EIGHTH CIRCUIT
JOSEPH I. DIMICK*

EIGHTH CIRCUIT
LYNN W. DAVIS

*Presiding Judge

EIGHTH CIRCUIT
E. PATRICK MCGUIRE

EIGHTH CIRCUIT
ROBERT J. SUMSION

NINTH CIRCUIT
ROBERT T. BRAITHWAITE

NINTH CIRCUIT
ROBERT F. OWENS*

TENTH CIRCUIT
DAVID L. MOWER*

ELEVENTH CIRCUIT
A. JOHN RUGGERI*

*Presiding Judge

TWELFTH CIRCUIT
BRUCE K. HALLIDAY*

*Presiding Judge

COUNTIES WITHIN EACH CIRCUIT COURT BOUNDARY

Circuit 1
Box Elder

Circuit 2
Cache
Rich

Circuit 3
Morgan
Weber

Circuit 4
Davis

Circuit 5
Salt Lake
Summit

Circuit 6
Tooele

Circuit 7
Daggett
Duchesne
Uintah

Circuit 8
Wasatch
Utah
Juab

Circuit 9
Millard
Beaver
Iron
Washington

Circuit 10
Sanpete
Sevier
Piute
Wayne
Garfield
Kane

Circuit 11
Carbon
Emery

Circuit 12
Grand
San Juan

ORGANIZATION

The Circuit Court Act of 1977 authorized the creation of a statewide court of record of limited jurisdiction to replace the former city court system. There are twelve circuits in the state and currently thirty-seven full-time circuit court judges. Each circuit has at least one primary location, served by a full-time judge and clerical staff. A circuit may also include secondary locations staffed by county employees, and municipal departments staffed by city employees. Circuit judges travel to secondary locations and municipal departments to hold court.

Judge Dennis Fuchs and his clerk Wendy Phelan discuss an order of the court.

JURISDICTION

The jurisdiction of the Circuit Court is established in U.C.A. 78-4-5 and 78-4-7. In the civil area, the Circuit Court tries cases involving claims of less than $10,000. In 1986, the Legislature increased the small claims jurisdiction from $600 to $1,000.

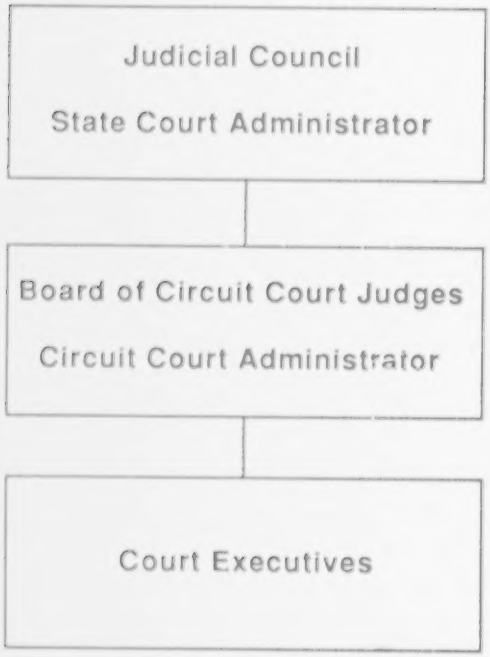
In the criminal area, the Circuit Court tries misdemeanor, infraction and traffic offenses and conducts preliminary hearings in felony cases to determine probable cause for bind over to the District Court.

The Circuit Court has concurrent jurisdiction with other courts as follows:

- With District Court in civil cases involving claims of less than $10,000 (When such cases are filed initially in District Court, that court may transfer them to Circuit Court)
- With Justice Court in Class B and C misdemeanor cases and infractions.
- With Juvenile Court in traffic offenses involving minors.

Up until January 1987, trials de novo (new trials) from the Justice Courts were heard in the District Court. Pursuant to House Bill 100 passed by the 1986 Legislature, trials de novo (new trials) are now heard in the Circuit Court. House Bill 100 also provided that appeals from the Circuit Court, which used to go to the District Court, are heard by the Court of Appeals since implementation of that court in February, 1987.

ADMINISTRATION



The Board of Circuit Court Judges is the policy-making body for the Circuit Court. Its membership is comprised of seven judges. Two of the members are elected at large by all circuit judges in the state. These

two serve as the Circuit Court's representatives on the Judicial Council. The other five members are elected by the circuit judges from designated geographical regions in the state. The members serve staggered three-year terms of office.

The state level administrator of the Circuit Court, appointed by the State Court Administrator with the approval of the Board of Circuit Court Judges, serves as staff to the Board and has responsibility for the coordination of Circuit Court operations statewide.

The judges in each judicial circuit elect a presiding judge for a term of office of not less than two years.The presiding judge, in addition to judicial responsibilities, has the duty to oversee the administration of the court.

Each circuit is served by a Court Executive, a professional administrator appointed by the state level administrator with the approval of the presiding judge. Some court executives serve a single circuit; others serve more than one circuit; several also provide administration for other courts (District and Juvenile) in the same region.

Each primary location has one Clerk of Court appointed by the Court Executive with the approval of the presiding judge. The Clerk of the Court supervises deputy clerks in his or her court location.

CIRCUIT CASE SIZE COMPARISONS

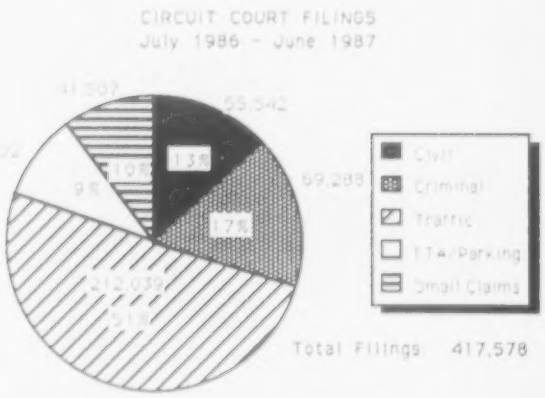
Circuit Court handles four basic types of cases:

Criminal case filings include felonies, which are filed initially in Circuit Court for preliminary hearing before being bound over to District Court for trial, and misdemeanor cases which are ultimately tried in Circuit Court. The criminal category also includes serious traffic offenses, such as driving under the influence, hit and run, reckless driving, and automobile homicide. This inclusion is made because such cases are more like criminal cases than traffic cases because they are complex and take more judicial time to process than do the less serious traffic cases.

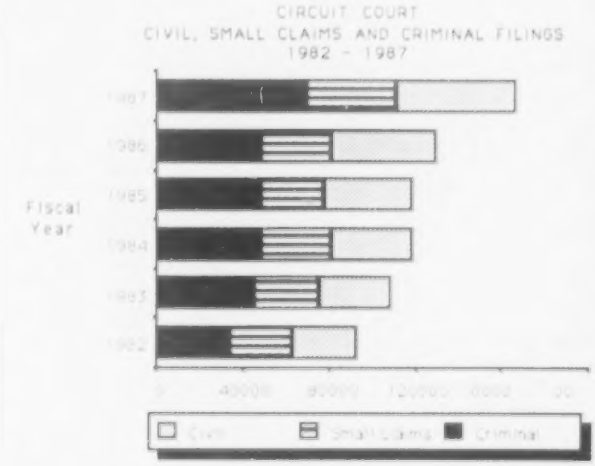
Traffic cases include most offenses charged under the Motor Vehicle Code. Speeding offenses comprise the majority of all traffic offenses. Also included are other moving violations such as right-of-way and turning offenses, driver license violations, and other non-moving offenses such as faulty vehicle equipment. Parking offenses, a type of non-moving offense, are counted separately, as are failures to appear.

Civil cases in Circuit Court involve claims of less than $10,000, and include disputes in such areas as contracts and landlord-tenant issues.

Small claims cases cover disputes of less than $1,000. Most litigants appear without an attorney, and the rules of evidence and procedure are modified somewhat to allow for a more informal court proceeding.



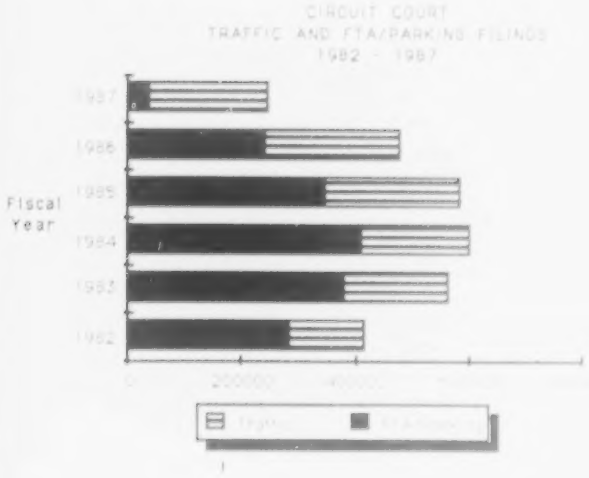
HISTORICAL GROWTH



Between 1982 and 1987, the largest increase in Circuit Court caseload has been experienced in the civil area. In July of 1983, the civil jurisdiction was increased by the Legislature from $5,000 to $10,000, and the caseload has grown 46 percent since then.

Small claims filings have shown a distinct increase for the past year, in part because of the increase in jurisdiction from $600 to $1,000 in 1986. Another important factor was the decriminalization of parking offenses in Salt Lake City, which removed the initial filings of parking cases from Circuit Court, but provided for delinquent citations to be pursued through small claims court. This contributed to the substantial (34%) increase in small claims filings between 85-86 and 86-87.

Criminal cases have also shown a significant increase and are expected to continue this trend as Utah's high population of juveniles reaches the age of majority.



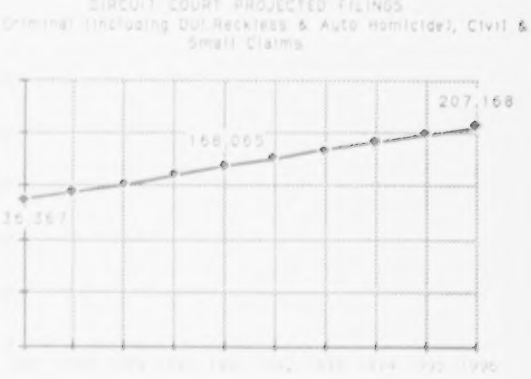
Traffic cases in general have increased more gradually over the years than have other major case types, and have declined during the last year.

A very dramatic decrease in parking offenses between 85-86 and 86-87 occurred due to the decriminalization of parking tickets in Salt Lake City discussed above.

Failure to appear offenses also decreased significantly in the last year, which can be attributed primarily to the implementation of the TCIS system. The system generates several reminders of outstanding traffic citations that are sent to defendants; accordingly, more people are making prompt payment and eliminating the necessity for the courts to issue bench warrants for failure to appear.

FUTURE PROJECTIONS

In 1986 Carter-Goble conducted a study with respect to development of the Facilities Master Plan, in which past changes in the Circuit Court caseload were analyzed and future projections made. That study revealed a high probability of a steadily increasing caseload in Circuit Court for the next ten years. The graph below indicates the nature of growth that is anticipated.



FUNDING

Through legislative amendments, the Circuit Court became state funded on July 1, 1983. In primary locations, all circuit court personnel are state employees and all operating expenses are funded directly by the state. In secondary locations and municipal departments, the state reimburses the county or city on a contractual basis for court expenses, including clerical costs, materials and supplies, data processing, and leases. Most of the revenues collected by the court through fines, fees and forfeitures are received by the state. A portion of the funds collected as forfeitures are remitted to the county or city which initiates and prosecutes matters before the court.

HIGHLIGHTS

During the past two years, a number of significant activities and developments have occurred in the Circuit Court, including the following:

Formation of the Board of Circuit Court Judges. House Bill 100, passed by the 1986 Legislature, provided for the establishment of a board of judges for each level of court to serve as the administrative head of that court. The Circuit Court Board was established in May, 1986. The seven members are: Hon. K. Roger Bean (Chairman), Hon. Robert W. Daines, Hon. Paul G. Grant, Hon. Floyd H. Gowans, Hon. LeRoy Griffiths, Hon. Joseph Dimick, and Hon. Stanton Taylor.

The Board of Circuit Court Judges meets monthly to discuss issues of concern to the Circuit Court.

Implementation of the Trial Court Information System. The Trial Court Information System (TCIS) was acquired from the State of Washington in 1985, and was implemented in January of 1986 in the Circuit Court in Salt Lake. By June of 1986, Murray, West Valley City, Sandy, and Orem were also using it. By the end of FY 1987, Ogden, Provo, Layton, Bountiful, Clearfield, Roy, St. George, and Price were implemented. These locations handle almost 89 percent of the total circuit court caseload.

TCIS is a caseload and financial management system which performs docketing, calendaring, indexing, statistical reporting, revenue and trust accounting, and many other important functions in the circuit courts. As its use is extended to the remaining court locations, Utah will have an effective tool in managing growing caseloads in times when available resources are dwindling.

Circuit Court Judicial and Non-Judicial Education. In the spring of 1986 and 1987, the circuit court judges held their annual conference, which is established by statute. The judges received information about new legislation and its impact on the courts. They were updated on activities of the Judicial Council, particularly its development of the Code of Judicial Administration. They participated in workshops where they shared ideas on various aspects of court procedure. Experts presented substantive sessions on such subjects as processing high-volume DUI cases, landlord-tenant issues, and rules of evidence.

Non-judicial education showed considerable improvement over the last two years. A new-clerk orientation workshop was developed and presented in March of 1987, which provided basic information to new employees coming into the court system. Because of the success of this first session, the orientation will be provided on a regular basis in the future.

The Utah Association of Circuit Court Clerks has worked closely with the Administrative Office for a number of years in providing non-judicial training by way of an annual statewide conference and various regional conferences. In May of 1987, the Association voted to expand its membership to include court personnel from all levels of courts, in an effort to promote understanding of and cooperation among the different levels of court throughout the state. The new organization has been renamed the Judicial Employees Association of Utah.

Parking Offenses. In the interest of more effective enforcement of parking regulations, the City of Salt Lake and the Fifth Circuit Court's Salt Lake Department reviewed the existing system of handling parking violations through the criminal citation procedure. Both the City and the Court determined, through the study, that substantial benefits would occur to the public, the City and the judicial system if parking offenses could be enforced through a civil mechanism with management under the City's administrative supervision. Accordingly, most parking offenses were decriminalized and a civil penalty system implemented, reserving criminal prosecution for repeat offenders and serious violations.

Video Arraignment. The Circuit Court in Ogden has implemented an experimental system by which a judge can conduct arraignments of criminal defendants through the use of closed circuit television equipment

installed in the court offices and the jail. This system allows the judge and the defendant, along with counsel, to see and communicate with each other and proceed through the arraignment process without the necessity of transporting the prisoner through the courthouse to the courtroom. Accordingly, security risks have been reduced significantly. The system has been well received by those involved in the criminal justice system, including judges, prosecutors, defense attorneys and criminal defendants.

Weighted Caseload Study. Leaders in all three branches of government have indicated the need for a valid, objective tool to measure staffing requirements in the courts. In an effort to develop such a tool with respect to the clerical staff in the Circuit Court, a caseload study was planned and conducted. In a representative sampling of court sites, clerical time was measured in processing each of the four major case types: criminal, traffic, civil and small claims. The data derived from the study was analyzed statistically and relative weights developed for each case type. The resulting formula can be used to determine where needs for additional clerks are most critical. It indicates where staff might be reassigned to better provide for the court's needs and can furnish support and documentation when requests to the Legislature must be made for new positions.

Accounting and Auditing Reviews. A comprehensive audit was conducted in the primary court locations during the spring of 1987. The audit resulted in a number of recommendations for improvement, which are currently being implemented.

New Facilities. The Circuit Court moved into new facilities in three locations: the Carbon County Court Complex, completed in the summer of 1986 (which also houses the District and Juvenile Courts); the new Murray Court facility, completed in the spring of 1987; and the Orem Circuit Court building, completed in the summer of 1987. During 1987 extensive remodeling has occurred in the court facility in Logan, where the Circuit, District and Juvenile Courts will be co-located. A move-in date of September, 1987 is anticipated. The contract for a new West Valley Circuit Court has been signed. The new building, a 27,000 square-foot facility, will include three courtrooms and office space for a Juvenile Court probation contingent. Completion is anticipated in March, 1989.

New Judges. During 1986-87, eight new judges were appointed to the Circuit Court. The appointments represented a 22 percent change in the circuit bench, involving half of the 12 circuits statewide. The selection of the new judges has proceeded under the provisions of the nominating commission process pursuant to House Bill 100.

OBSERVATIONS

One of the primary concerns in looking at the future of the Circuit Court is the anticipated growth in population, particularly along the Wasatch Front. The surge in the youth "at risk" population, which has had such a significant impact on the Juvenile Court over the last several years, will likely create a sharp increase in Circuit Court cases as that group reaches adulthood.

The anticipated growth is going to place an increasing strain on the court's limited resources. New and more effective ways of handling caseload will have to be developed in order to avoid both backlogs and the decline in the quality of services provided by the court.

A task force is currently studying various aspects of the Justice of the Peace Court, including jurisdiction and appeals. Depending on what the task force recommends, there may or may not be an impact on Circuit Court caseload and operations.

A Circuit Court accounting manual is being developed which will standardize procedures in all Circuit Court locations and correct problems identified by the audit conducted in the spring of 1987.

A task force formed at the request of the Judicial Council has recently completed a study about various problems involved in the service of warrants and has made recommendations and proposals for improvement of the system. Some of the proposals involve changes in current practices and, if ultimately approved by the Judicial Council and passed by the 1988 Legislature, will impact Circuit Court operations.

The Circuit Court Recordkeeping and Forms Committee has recommended certain housekeeping changes in statutes dealing with recordkeeping requirements. If passed by the 1988 legislature, these changes will simplify and streamline certain clerical procedures in Circuit Court.

JUSTICE OF THE PEACE COURTS

BOARD OF JUSTICES OF THE PEACE

June 29, 1987

Hon. Gordon R. Hall, Chairman
Utah Judicial Council
232 State Capitol
Salt Lake City, UT 84114

Dear Chief Justice Hall:

The Justice of the Peace Courts have begun to take a more active role in the administration of the courts with the passage of the revised Judicial Article and House Bill 100. Representation of the justice courts on the Judicial Council has increased. A governing board of judges has been established and provides a means for adopting uniform policies for all the justice courts.

The Board of Justices of the Peace has identified continuing education and centralized staff support at the state level as the priority needs for its level of court. Since the Justice of the Peace has a unique relationship with the local community, strong policies for education and support services will assure that the judge can remain independent as required under our Constitution.

The work of the Board will continue into the next year. Current projects include a review of the record keeping systems and forms used by the justice courts, improvements in the education program, development of orientation programs for new judges and formulation of administrative rules.

The Justices of the Peace are encouraged by the advances which have been made in improving and strengthening the court system in the last few years and seek to actively contribute to improvements and advances in the future.

Sincerely,

Peggy Acomb

Peggy Acomb, Chairman
Board of Justices of the Peace

BOARD OF JUSTICES OF THE PEACE

Hon. Peggy Acomb
Chairman

Hon. Kenneth H. Adams
Vice Chairman

Hon. Geraldine Christensen

Hon. Brent A. Feltch

Hon. Sterling Gardner

Hon. Joseph L. Jones, Jr.

Hon. Robert T. Matheson

Hon. Joanne L. Rigby

Hon. John W. Yardley

ORGANIZATION

The Utah Constitution created the Justice of the Peace Courts and made them an integral part of the state's judicial system. The Justice of the Peace Courts are limited jurisdiction courts, not of record. Justice Courts are located throughout rural Utah, commonly in areas where there is limited access to circuit or district courts. In more urban areas, the Justice of the Peace Court is often located conveniently for the public, with court hours conducted in the evening to accommodate those who work during the day.

There are currently 144 Justices of the Peace, serving 170 county and municipal courts. County Justices of the Peace are elected in a non partisan election and Municipal Justices of the Peace are appointed by city officials—both for four-year terms. Many Justices of the Peace serve as both county and municipal judges. Some serve in full-time positions, others serve on a part-time basis. Some judges hear cases daily, some may have limited court hours each week, and others are available by appointment only.

A traffic offender enters a plea before Justice of the Peace Peggy Acomb.

Justices of the Peace need not be attorneys, but they receive specialized training in the law through programs sponsored by the Administrative Office of the Courts or nationally sponsored training programs. All Justices of the Peace must attend at least one training course or seminar each year to remain certified. Any judge who fails to do so for two consecutive years is subject to removal from office by the Judicial Conduct Commission.

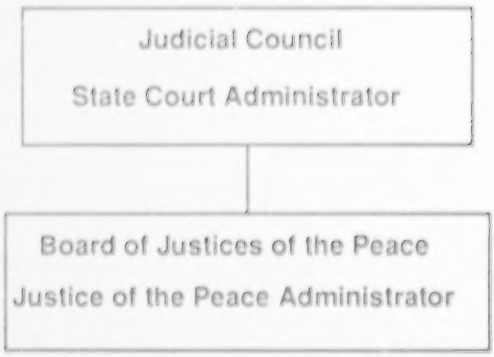
JURISDICTION

The Justice of the Peace Courts have jurisdiction to try all Class B and C misdemeanors, infractions, and civil and small claims matters involving less than $1,000. They also have concurrent jurisdiction with the juvenile court over all minors,16 to 18 years old, who are charged with traffic offenses. Justices of the Peace may also serve as a committing magistrate and conduct preliminary hearings for felonies, and issue search warrants and other process.

Jury trials in the justice courts are heard by four person juries. Cases involving municipal ordinance violations are prosecuted in municipal courts by the city attorney; and cases involving violations of county ordinances and state law are prosecuted in the county courts by the county attorney. Litigants and defendants often act as their own attorneys (pro se) in the justice courts. Appeals of a decision are decided by conducting a new trial (trial de novo) in the circuit court because no verbatim record of the proceeding is kept in the justice court.

ADMINISTRATION

As a result of the revised Judicial Article of the Utah Constitution, and the passage of House Bill 100, the Judicial Council established a Board of Justices of the Peace. There are nine members who represent a geographical cross-section of the state. Members are elected at large by all Justices of the Peace in the state, and serve a four-year term. The Board meets monthly at the Administrative Office of the Courts and identifies problems related to the justice courts, studies possible solutions, and recommends policy changes to the

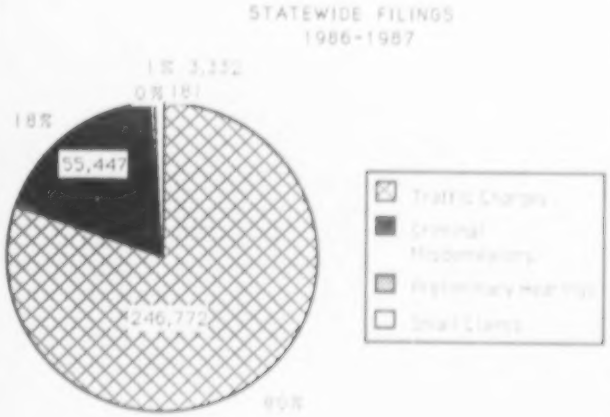


Judicial Council. Since its inception, the Board has been instrumental in improving the quality of justice and overall operation of the Justice Courts statewide.

In 1987, a Justice of the Peace Administrator was appointed by the State Court Administrator, with the approval of the Board of Justices of the Peace. The Administrator provides staff support to the Board of Justices of the Peace, legal and technical assistance to the justice courts, develops and coordinates education programs for the judges, and acts as a liaison with the Judicial Council, local government and the legislature in areas relating to the justice courts.

JUSTICE OF THE PEACE COURT CASELOAD

Each Justice of the Peace has a unique caseload tied to the needs of the community. A composite picture of a typical Justice of the Peace caseload statewide shows that 17.9 percent of the workload consists of criminal charges and 1.1 percent consists of civil cases, primarily small claims actions. Traffic charges comprise 80.8 percent of the caseload. Preliminary hearings totaled 181 filings statewide, or less than 1 percent of the total caseload.



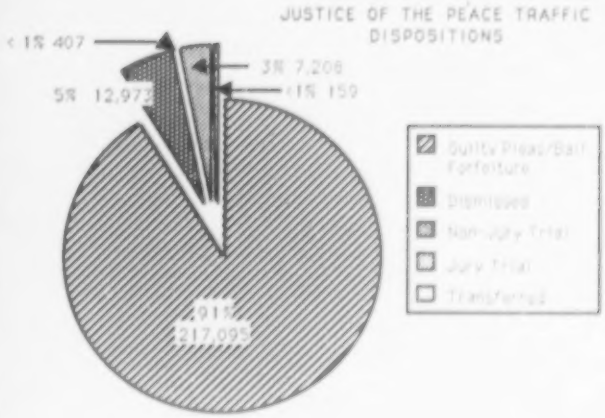
HISTORICAL GROWTH

The caseload composition and number of filings has fluctuated over the last few years in the Justice of the Peace Courts. The most notable change is the reduction in the number of civil filings, which are not small claims filings. The upper jurisdictional limit of small claims and civil cases are now identical ($1,000) so most litigants with civil complaints are filing under the simplified provisions of the Small Claims Act. Caseloads show a small drop in filings in the 1986-1987 reporting period, in contrast to a noticeable growth during the prior reporting year.

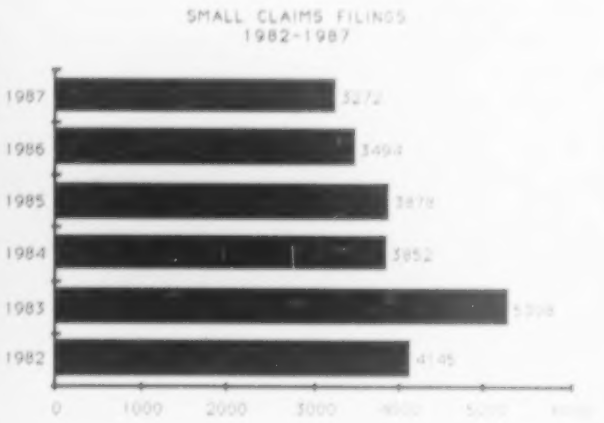
CASELOAD
JUSTICE OF THE PEACE FILINGS

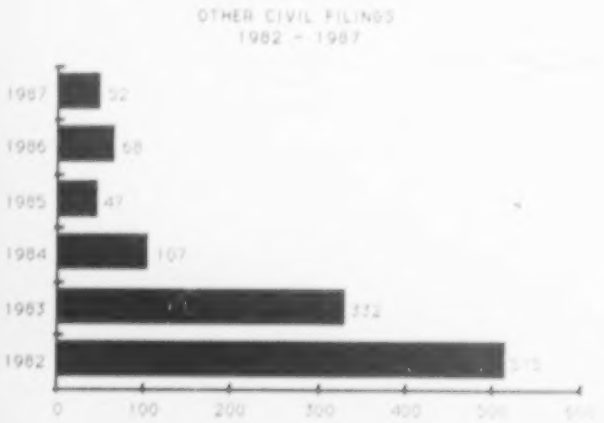
	1981-82	1982-83	1983-84	1984-85	1985-86	1986-87
TRAFFIC CHARGES	216,593	251,310	215,595	233,236	255,483	246,772
CRIMINAL MISD.	61,198	63,364	51,373	54,230	55,321	55,447
PRELIM. HEARINGS	356	278	137	179	185	181
SMALL CLAIMS	4,145	5,308	3,852	3,878	3,494	3,280
OTHER CIVIL	515	332	107	47	68	52

The majority of charges filed in the Justice of the Peace Courts are disposed of by means of a guilty plea or voluntary forfeiture of bail. Any contested charge will be heard either by a jury trial or a non jury trial with the judge acting as the trier of fact. The following charts show a slight difference in the way traffic charges are disposed of in contrast to the way other criminal misdemeanors are disposed of. Although the volume of traffic charges disposed of far exceeds the number of criminal charges disposed of, defendants are more likely to contest criminal charges and proportionally fewer guilty pleas or bail forfeitures are received.

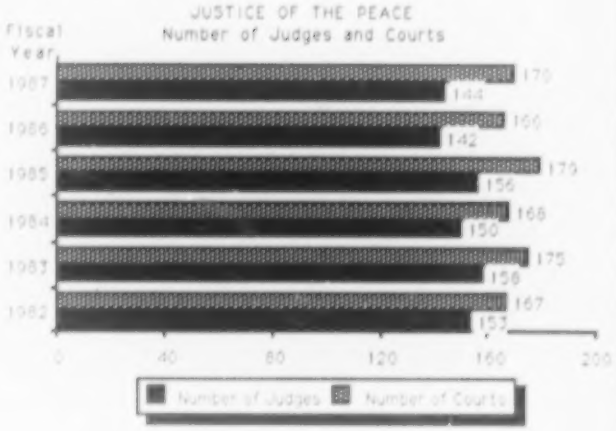


Small claims cases were generally disposed of by settlements or default judgment but 581 trials were held during the 1986-1987 reporting period.





The number of judges and the number of courts has also fluctuated over the last few years. The number of judges has decreased while the number of courts has slightly increased. This shows that there is increased use of experienced Justices of the Peace to serve two or more courts at the same time. Currently, at least twenty-six Justices of the Peace serve in both county and municipal courts.



FUNDING

Justice of the Peace Courts are locally funded and administrated and provide an important judicial resource by providing a convenient legal forum for citizens throughout the state.

REVENUE

The Justice of the Peace Courts collect a significant amount of revenue for local government and an increasing amount for the state. Recent changes in the law have placed a surcharge on criminal fines and forfeitures to fund crime victim restitution, emergency medical services, and peace officer training and standards. This surcharge is collected at the local court and transmitted to the state for dispersal.

HIGHLIGHTS AND ACTIVITIES

During the past two years, a number of significant activities and developments have been occurring in the Justice Courts, including the following:

New Justice of the Peace Administrator. In 1987, Louise York was appointed as the first Justice of the Peace Administrator for Utah's justice courts. This appointment lends strong administrative support at the state level for the justices of the peace and reflects the ongoing development of the judicial system as a whole.

New Justice of the Peace Administrator Louise York (center) meets with the Board of Justices of the Peace.

Unified Policies and Procedures. The Justices of the Peace, through its Board, have begun the major work of unifying the policies and procedures of the diverse justice courts throughout the state. The Board has identified priorities for the Judicial Council's planning program and will work to improve the operation of the courts and the educational programs available for both new and experienced Justices of the Peace. The Board will also continue to implement the Judicial Council policies pertaining to the Justice of the Peace Courts.

Justice of the Peace Task Force. The Commission on Criminal and Juvenile Justice has appointed a special task force to examine issues of jurisdiction and venue affecting the justice courts. This task force will formulate legislation to eliminate the problem of "forum shopping" between levels of court with concurrent jurisdiction, and to support and maintain the justice of the peace court system.

Judicial Conduct/Ethics. The Supreme Court adopted a revision of the Code of Judicial Conduct, which made modifications in some provisions to reflect the unique status of the part-time Justice of the Peace who may or may not practice as an attorney. In addition, the Judicial Council has established an Ethics Advisory Opinion Board to provide guidance on ethical issues, a resource which had been requested for many years by individual Justices of the Peace.

Justice of the Peace Manual. Because of substantial changes in both policies and laws, the Justice of the Peace Board and the Administrative Office of the Courts revised the Justice of the Peace manual to bring it up-to-date.

Support Services. The Board is involved in a study to develop minimum standards for support services in the Justice Courts. These services include clerks, adequate facilities, and updated reference materials, among other things. Also, the Administrative Office of the Courts is providing more administrative staff support for the Justices of the Peace Board, and for education. The Judicial Council is committed to expanding the level of that support in the coming year.

Court Records and Forms. Justices of the Peace are serving on a committee to develop uniform court records and forms to distribute to all the justice courts statewide.

Victims Reparation. The Justice of the Peace Board adopted a policy to implement Senate Bill 96 in the Justice Courts. The Bill adds an additional 25 percent on all fines, fees, and forfeitures, and the extra money automatically goes into the Victims Reparation Fund. The Fund helps people victimized by crime.

RECOMMENDATIONS

With increasing caseloads and diminishing budget support, Justice of the Peace Courts face the same challenges as state courts of record in meeting the needs of the coming years. Because of the geographical separation of the courts and the diverse character of each judge's caseload, the Justice of the Peace has increased needs for educational and technical support. Cooperation and mutual support from the state and local governments will be needed to maintain and improve the quality of justice in all justice of the peace courts statewide.

JUSTICES OF THE PEACE

Beaver County
Jetta Davie
Rowland Yardley
Bene Johnson

Box Elder County
Max Richan*
Eldon Griffin*
Samuel Bylsma
Lorin Facer
DeVerl Payne

Cache County
LeGrande Christiansen
0. Brent Greenhalgh*
Larry Apgood
Louis Griffin
Sarah Lindley*
Gordon Jenkins
Willis Sharpe
Jack Stevens
John Krusi*
Paul Larsen
Grant Mauchley
Steve Krebs
Nathan Zollinger*
Shirley Pearce

Carbon County
Morgan Riche
Theo Wood
Frank Whipple

Daggett County
Rena Palleson
Claire Reed

Davis County
John Stewart
Roger K. Bean
Dale Valentine
Douglas Rogers
Dean Jeffs
Robert Matheson*
Jerald Jensen
David Payne
Kenneth Wellington
John Carter*
Sterling Gardner

Duchesne County
Floyd Nielsen
Keith Rowley

Emery County
Stan Truman
Dan Wells*
VarLynn Peacock*
Michael Humphrey*
Arel Hunt
Desie Oviatt

Garfield County
John Yardley
Clyde Bybee*
Stan Foy
Garth Noyes
Marland Richins

Grand County
Alvin Lange

Juab County
Lane Harward
Charles Blouch
Harlow Pexton
Owen Taylor

Iron County
Margaret Miller
Kenneth Adams
Joyce Beck
Arlen Grimshaw

Kane County
Dennis Mosdell
James Glover
Patricia Chavez
Betty Tornbom

Millard County
Daniel Hansen
Evan Anderson*
Ronald Hare*
Clare Overson*
Stanley K. Robison

Morgan County
Tony Hassell
Vaughn Larson*

Piute County
Stanley Dalton

Rich County
Raymond Cox
Merle Spence*

Salt Lake County
Peggy Acomb
Dan Armstrong
Richard Andrus
David Brown
Geraldine Christensen
Dee Alldredge
Geraldine Enniss
Joanne Rigby
Phyllis Scott
George Searle
Steve Stewart
Albert Mitchell

San Juan County
Harold Muhlestein
John Codner
Jay McDaniel

Sanpete County
Boyd Brady
Virginia Brown
Vaun Mickelson
Ron Ivory
Wilford Warren
Earl Ramsey*
Ned Jensen

Sevier County
Kent Nielsen
Jack Dean*
Peter Weimer
Thad Wasden
A. Marion Behunian*

Summit County
H. LaMarr Gunn
Larry J. Kilby
Robert McGregor

Tooele County
Douglas Gordon
Ralph Blum
LaMarr Melville
Bruce Thomas
David Yarbrough*

Uintah County
Brent Feltch
Jolene Smith
Arda Mansfield

Utah County
Keith Jenkins*
Vergil Peterson
Lamar Horrocks
Duane Knotts*
Judith Anderson*
Keith Anderson*
David Phippen
Kyle Arnold
Otto Collings
Timothy Haveron
William Duncan
Blair Herbert
Eldon Hinckley
William Keetch
J.O.Peterson
Richard Worthen

Wasatch County
Blain Hylton
Edwin Bartholomew*
Fern Spanos

* indicates uncertified for 1987

Washington County
Chester Adams*
Mike Dobson
Lee Bunnell*
Jane Browning*
J. Ballard Hafen
Adrian Simonson
Robert Rohde
Ronald Woods
Walter Steed

Wayne County
Freeman Roy Brown*
Steven Hatch

Weber County
Craig Storey
Brian TaylorKeith Daley*
J. Duane Poulsen
S.E. Gardner
James Hasenyager*
Pat Lambert
F. John Penrod
Joseph L. Jones, Jr.
Michael Lyon*
John Sandberg

* indicates uncertified for 1987

RETIRED JUDGES

Hon. Jay Banks
Third District Court
1973-1986

Hon. J. Harlan Burns
Fifth District Court
1971-1987

Hon. Donald D. Crist
Twelfth Circuit
1978-1986

Hon. David B. Dee
Third District Court
1977-1987

IN MEMORIAM

Hon. J. Gordon Knudsen
(1928-1987)
Eighth Circuit Court
1967-1987

Hon. C. Bailey Sainsbury
(1926-1987)
Fifth Circuit Court
1976-1987

Hon. E.F. Ziegler
(1927-1987)
Third Circuit Court - 1970-1987
First District Juvenile Court - 1955-1969

JUDICIAL CONDUCT COMMISSION

The Judicial Conduct Commission is established under section 78-7-28 of the Utah Code. Under the statute, the Commission has the responsibility to investigate complaints against judges for unethical, illegal, or unprofessional behavior associated with their judicial position and responsibilities. The Conduct Commission does not concern itself with complaints about the interpretations and decisions of judges on the law and the facts in individual cases.

The Conduct Commission has the authority to take disciplinary action against judges, including: reprimand, censure, suspension, involuntary retirement, and removal from office. All actions taken by the Commission must be reviewed and ratified by the Supreme Court.

Grounds for discipline may include: willful misconduct in office, willful and persistent failure to perform judicial duties, disability that seriously interferes with the performance of judicial duties, and conduct prejudicial to the administration of justice which brings a judicial office into disrepute. Justices of the Peace may be disciplined for failure to obtain and maintain certification for attendance at required training courses.

The Conduct Commission is composed of the following members:

- Three members of the Utah State Bar Commission
- Two members appointed by the Speaker of the House of Representatives
- Two members appointed by the President of the Senate
- Two members appointed by the Governor, and
- One judge

The Conduct Commission meets monthly to review complaints. A citizen must submit his or her complaint in writing to the Commission. The Commission has an investigator who may be called upon to work on a complaint. The judge in question may also be informally contacted to elicit further details. The Commission may hold a hearing and receive evidence if the complaint warrants such action. All work done by the Commission is confidential and not for public scrutiny.

The following is a summary of the Judicial Conduct Commission's activity.

	1985-86	1986-87
Beginning Pending	5	20
New Filings	66	79
Matters Reopened	1	0
Subtotal	72	99
Matters Closed	52	84
End Pending	20	15
Dispositions:		
Dismissed	0	35
Dismissed (No Action)	37	38
Censure	2	0
Dismissed (With Advice)	7	11
Dismissed (Resigned)	4	0
Suspended	2	0
Subtotal	52	84

JUDICIAL CONDUCT COMMISSION MEMBERSHIP

Bert L. Dart - Chairman
Utah Bar Commission

Kay S. Cornaby
Utah State Senate

Frances Farley
Utah State Senate

Kent Kasting
Utah Bar Commission

Reed L. Martineau
Utah Bar Commission

Stephen M. Bodily
Utah House of Representatives

Daniel H. Tuttle
Utah State House of Representatives

Honorable Leonard Russon
District Court Judge

Leon Harmon
Private Citizen

Sylvia Bennion
Private Citizen

Dean W. Sheffield
Executive Director
Utah Bar Association

DIRECTORY

ADMINISTRATIVE OFFICE OF THE COURTS

230 South 500 East, Suite 300
Salt Lake City, Utah 84102.....533-6371

William C. Vickrey, State Court Administrator
Ronald W. Gibson, Deputy Court Administrator
Elma Ashley, Court System Coordinator
Gordon Bissegger, Assistant Court Administrator
Carlie Christensen, General Counsel
Philip Clayton, Accountant
Rosemary Gacnik, Public Information Officer
Susan Hanson, Personnel Director
John F. McNamara, Juvenile Court Administrator
Melinda Monahan, Circuit Court Administrator
Lyn Peterson, Office Manager
Michael R. Phillips, Assistant Juvenile Court Administrator
Jack Roach, Budget & Accounting Officer
Joanne Slotnik, Judicial Education Officer
Larry Webster, Data Processing Manager
Louise York, Justice of the Peace Administrator

TRIAL COURT EXECUTIVES FOR DISTRICT COURTS

FIRST DISTRICT
Nelda Hollingsworth
Box Elder County Courthouse
Brigham City, Utah 84302
734-2031

SECOND DISTRICT
Margaret Satterthwaite
2549 Washington Blvd.
Ogden, Utah 84401
399-8455

THIRD DISTRICT
Kerry G. Passey
240 East 400 South
Salt Lake City, Utah 84111
535-5581

FOURTH DISTRICT
George Danielson
Utah County Courthouse
Provo, Utah 84601
379-8230

FIFTH DISTRICT
Sheila Rose
220 North 200 East
St. George, Utah 84770
673-3852

SIXTH DISTRICT
Carole B. Mellor
Sanpete County Courthouse
Manti, Utah 84642
835-2121

SEVENTH DISTRICT
Michael Havemann
56 North State Street
Orem, Utah 84057
226-7721

Timothy H. Simmons
149 East 100 South
Price, Utah 84501
637-7753

TRIAL COURT EXECUTIVES FOR JUVENILE COURTS

FIRST DISTRICT JUVENILE
Michael Strebel
2550 Washington Blvd.
Ogden, Utah 84401
394-2661

SECOND DISTRICT JUVENILE
Russ Van Vleet
3522 South 700 West
Salt Lake City, Utah 84119
262-2601

THIRD DISTRICT JUVENILE
Val Harris
2021 South State
Provo, Utah 84601
373-3613

FOURTH DISTRICT JUVENILE
Brent Bowcutt
250 North Main
Richfield, Utah 84701
896-8411

FIFTH DISTRICT JUVENILE
Timothy H. Simmons
149 East 100 South
Price, Utah 84501
637-7753

SIXTH DISTRICT JUVENILE
Jim Nelson
40 North 100 East
Cedar City, Utah 84720
586-9832

TRIAL COURT EXECUTIVES FOR CIRCUIT COURTS

FIRST AND SECOND CIRCUITS
Nelda Hollingsworth
Box Elder County Courthouse
Brigham City, Utah 84302
734-2031

THIRD CIRCUIT
Scott Hennessy
2549 Washington Blvd.
Ogden, Utah 84401
399-8030

FOURTH CIRCUIT
Linda Hansen
745 South Main Street
Bountiful, Utah 84010
298-6020

FIFTH CIRCUIT
Fred M. Oswald
451 South 200 East
Salt Lake City, Utah 84111
533-3952

SIXTH, SEVENTH & EIGHTH CIRCUITS
Michael Havemann
56 North State Street
Orem, Utah 84057
226-7721

NINTH CIRCUIT
Sheila Rose
220 North 200 East
St. George, Utah 84770
673-3852

TENTH CIRCUIT
Carole B. Mellor
Sanpete County Courthouse
Manti, Utah 84642
835-2121

ELEVENTH AND TWELFTH CIRCUITS
Timothy H. Simmons
149 East 100 South
Price, Utah 84501
637-7753

COURT COMMISSIONERS

FIRST DISTRICT JUVENILE
Timothy W. Healy
2550 Washington Blvd.
Ogden, Utah 84401
394-2661

SECOND DISTRICT JUVENILE
Richard W. Birrell
3522 South 700 West
Salt Lake City, Utah 84119
262-2601

THIRD DISTRICT
Sandra N. Peuler
240 East 400 South
Salt Lake City, Utah 84111
535-5210

SECOND DISTRICT
Maurice B. Richards, Jr.
Municipal Building
Ogden, Utah 84401
359-3312

FOURTH DISTRICT
Howard H. Maetani
County Building
Provo, Utah 84601
373-5510

COUNTY CLERKS

Beaver County
Paul B. Barton
P.O. Box 392
Beaver, UT 84713
438-2352

Box Elder
Jay Hirschi
One South Main Street
Brigham City, UT 84302
734-2031

Cache County
Seth S. Allen
160 North Main Street
Logan, UT 84321
752-3542

Carbon County
Norman Prichard
County Courthouse
Price, UT 84501
637-4700

Daggett County
Gene Briggs
P.O. Box 218
Manila, UT 84046
784-3154

Davis County
Michael G. Allphin
P.O. Box 618
Farmington, UT 84025
451-3210

Duchesne County
Roger K. Merett
Drawer 270
Duchesne, UT 84021
738-2683

Emery County
Bruce C. Funk
P.O. Box 907
Castle Dale, UT 84513
381-2139

Garfield County
Hazel Houston
P.O. Box 77
Panguitch, UT 84759
676-8826

Grand County
Fran Townsend
125 East Center Street
Moab, UT 84532
259-5645

Iron County
David Yardley
P.O. Box 429
Parowan, UT 84761
477-3375

Juab County
Pat Greenwood
160 North Main Street
Nephi, UT 84648
623-0271

Kane County
Kathy Chamberlain
P.O. Box 728
Kanab, UT 84741
644-2458

Millard County
Marlene A. Whicker
P.O. Box 226
Fillmore, UT 84631
743-6223

Morgan County
Janis Widdison
P.O. Box 886
Morgan, UT 84050
829-6811

Piute County
Valeen H. Brown
P.O. Box 99
Junction, UT 84740
577-2840

Rich County
Pam Shaul
P.O. Box 218
Randolph, UT 84064
793-2415

Salt Lake County
Dixon Hindley
240 East 400 South
Salt Lake City, UT 84111
535-7541

San Juan County
Gail D. Johnson
P.O. Box 338
Monticello, UT 84535
587-2232

Sanpete County
Wayne G. Beck
160 North Main Street
Manti, UT 84642
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Sevier County
DeVon Poulson
P.O. Box 517
Richfield, UT 84701
896-9262

Summit County
Douglas Geary
P.O. Box 128
Coalville, UT 84017
336-4451

Tooele County
Dennis D. Ewing
47 South Main Street
Tooele, UT 84074
882-5550

Uintah County
Dorothy C. Luck
152 East 100 North
Vernal, UT 84078
781-0770

Utah County
William F. Huish
P.O. Box 49
Provo, UT 84603
373-5510

Wasatch County
Jeff Bradshaw
25 North Main Street
Heber, UT 84032
654-3211

Washington County
Marjorie Howell
P.O. Box 570
St. George, UT 84770
634-5721

Wayne County
Sandra Rees
18 North Main Street
Loa, UT 84747
836-2731

Weber County
Richard Greene
2549 Washington Blvd.
Ogden, UT 84401
399-8481